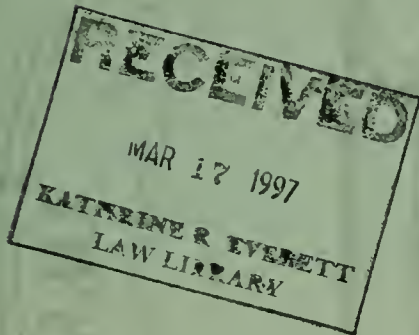


NORTH CAROLINA REGISTER

**VOLUME 11 • ISSUE 24 • Pages 1813 - 1900
March 14, 1997**



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Crime Control and Public Safety
Environment, Health, and Natural Resources
General Contractors, Board for
Human Resources
Labor
Nursing, Board of
Transportation
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

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Rules Division
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NORTH CAROLINA REGISTER

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March 14, 1997

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filed through February 21, 1997.

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NORTH CAROLINA REGISTER

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volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact		
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session
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11:16	11/15/96	10/24/96	01/14/97	01/15/97	12/02/96	12/16/96	12/20/96	05/10/98	01/14/97	01/21/97	05/10/98
11:17	12/02/96	11/06/96	01/31/97	02/03/97	12/17/96	01/02/97	01/21/97	05/10/98	01/31/97	02/20/97	05/10/98
11:18	12/16/96	11/21/96	02/14/97	03/03/97	12/31/96	01/15/97	01/21/97	05/10/98	02/14/97	02/20/97	05/10/98
11:19	01/02/97	12/06/96	03/03/97	03/14/97	01/17/97	02/03/97	02/20/97	05/10/98	03/03/97	03/20/97	05/10/98
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12:02	07/15/97	06/23/97	09/15/97	10/01/97	07/30/97	08/14/97	08/20/97	05/10/98	09/15/97	09/22/97	05/10/98

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> (1) temporary rules; (2) notices of rule-making proceedings; (3) text of proposed rules; (4) text of permanent rules approved by the Rules Review Commission; (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165; (6) Executive Orders of the Governor; (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; (8) orders of the Tax Review Board issued under G.S. 105-241.2; and (9) other information the Codifier of Rules determines to be helpful to the public. 	<p>ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p>	<p>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p>
	<p>LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>END OF REQUIRED COMMENT PERIOD (1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer. (2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p>
<p>COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>			<p>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p>
			<p>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.</p>

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

**North Carolina Department of Labor
Division of Occupational Safety and Health
319 Chapanoke Road
Raleigh, NC 27603**

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

Pursuant to GS § 150B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that it has adopted effective February 11, 1997 verbatim federal OSHA amendments to the General Industry standards (29 CFR 1910), Construction standards (29 CFR 1926), and Maritime standards (29 CFR 1915) which removes regulatory text not applicable to 29 CFR 1926 construction employment, corrects provisions of the asbestos standard affecting 29 CFR 1910, 1915, and 1926, and revises the standards for scaffolds in 29 CFR 1926 including corrections and a partial stay.

For additional information regarding this verbatim adoption please contact:

Peggy D. Morris
Division of Occupational Safety and Health
319 Chapanoke Road
Raleigh, NC 27603
(919) 662-4581

U.S. Department of Justice

Civil Rights Division

IKP:DHH:NT:tlb:emr
DJ 166-012-3
96-4475

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

January 30, 1997

David A. Holec, Esq.
City Attorney
P. O. Box 1388
Lumberton, North Carolina 28359-1388

Dear Mr. Holec:

This refers to the annexation (Ordinance No. 1592 (1996)) to the City of Lumberton in Robeson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on December 12, 1996.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

February 3, 1997

Susan K. Nichols, Esq.
Special Deputy Attorney General
P.O. Box 629
Raleigh, North Carolina 27602-0629

Dear Ms. Nichols:

This refers to Chapter 667 (1996), which creates the Butner Advisory Council for the Camp Butner Reservation, consisting of seven members, elected at large to four-year, staggered terms in nonpartisan elections, and designates the implementation schedule, the candidate filing period, the general election date, and the method of selecting the chair of the council for the reservation located partly in Granville county, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your response to our September 30, 1996, request for additional information on December 3, 1996; supplemental information was received on January 16, 1997.

We have carefully considered the information that you have provided, as well as Census data and information from other interested persons. As a result, the Attorney General does not interpose any objection to the creation of the Camp Butner Reservation, the establishment of the elected Advisory Council, the number of officials, the term of office, the adoption of nonpartisan elections, the candidate filing period, the general election date, and the method of selecting the chair of the council. However, we note that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51-41).

We cannot reach the same conclusion, however, regarding the proposed at-large method of election and the use of staggered terms in that context. According to 1990 Census data and the submitted map of the area, the population of the Camp Butner Reservation (hereinafter "the reservation") includes approximately 6,472 persons, of whom 2,471 (38.2 Percent) are black. As of November 1996, the reservation has 2,063 registered voters, of whom 700 (33.9 percent) are black. Most of the reservation's population is located in Granville County, North Carolina. The reservation's councilmembers will be elected at large to staggered (4-3) terms.

As of 1987 no black candidate had ever been elected to the at-large elected Granville County Commission or School Board, despite the fact that the black percentage of the county's total population had grown to 43 percent and multiple black candidates had run for office. Private plaintiffs sued the county commission alleging vote dilution, McGhee v. Granville County, Civil Action No. 87-29-CIV-5 (E.D.N.C.), and three months later, the United States Department of Justice sued the county school board, United States v. Granville County Board of Education, No. 87-353-CIV-5 (E.D.N.C.). Both lawsuits were filed on the premise that the at-large method of election for the respective governing bodies did not provide black voters with an equal opportunity to elect candidates of choice. In response to each lawsuit, the county entered into consent agreements, with private plaintiffs as to the county commission and with the Department as to the school board, which included stipulations that the at-large method of election violated Section 2 of the Voting Rights Act; ultimately, single-member districts were implemented to cure the violations.

Implicit in these stipulations that the at-large method of election violates Section 2 was an admission that voting in the county was racially polarized. Our analysis of at-large elections for county offices since thus time indicates that the pattern of racially polarized voting has not changed. While black-supported candidates have had some limited success in at-large and double-member district elections for state offices, they continue to be plagued by defeat in more local elections conducted on a countywide basis.

Despite this well-documented pattern of racially polarized voting for at-large elected county offices, an election system was selected for the reservation's Advisory Council that has impeded the ability of black voters to elect their candidates of choice. Alternative election systems, such as single-member districts, that would allow black voters an equal opportunity to participate in the electoral process and to elect candidates of their choice do not appear to have been given serious consideration in the decision-making process. Our analysis revealed that it is relatively simple, for example, to create a seven single-member district plan with two naturally occurring, compact districts that have black voting age population majorities.

The election of a single black candidate in an unprecleared election for the Advisory Council conducted in November 1996 in which all seven council positions were elected and the number of candidates was double the number of positions to be filled does not compel a different conclusion regarding the impact of an at-large election system on the opportunity of minority voters to elect their candidates of choice. Nor is this election sufficient to counter the well established pattern of racially polarized voting observed in county elections conducted on a countywide basis or to allow us to conclude that an at-large election system with staggered terms (4-3) will enable black voters to elect candidates of choice in future Advisory council elections.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In addition, an objection must be interposed where there is a clear violation of Section 2 of the Voting Rights Act, 42 U.S.C. 1973; see also 28 C.F.R. 51.55(b)(2). In light of the considerations discussed above, I cannot conclude as I must under the Voting Rights Act, that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the at-large method of election and staggered terms for the camp Butner Reservation.

We note under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the at-large method of election and staggered terms have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. In addition, you may request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the at-large method of election and staggered terms continue to be legally unenforceable. Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10 and 51.45.

The Attorney General will make no determination with regard to the implementation schedule as it is directly related to objected-to staggered terms. See 28 C.F.R. 51.22(b).

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the action the State of North Carolina plans to take concerning this matter. If you have any questions, you should call Ms. Colleen Kane-Dabu (213-894-2931), an attorney in the Voting Section.

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

**SUBCHAPTER 3U - CHILD DAY CARE
STANDARDS**

Notice of Rule-making Proceedings is hereby given by the North Carolina Child Day Care Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 10 NCAC 3U .0302, .0506, .0509, .0601, .0602, .0604, .0705, .0714, .0802, .0803, .1402, .1403, .1717, .2603, .2610, .2611 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 110-91(8); 143B-168.3

Statement of the Subject Matter: Safety requirements for child day care centers and homes, including outdoor play areas.

Reason for Proposed Action: To review safety requirements for outdoor play areas for child day care centers and homes.

Comment Procedures: Questions or written comments regarding this matter may be directed to Nancy Guy, APA Coordinator, Division of Child Development, 319 Chapanoke Road, P.O. Box 29553, Raleigh, NC 27626-0553; (919) 662-4543.

rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 13 NCAC 7F .0101 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 95-4; 95-131

Statement of the Subject Matter: Permissible Exposure Limits (PELs) contained in 29 CFR 1910 Subpart Z - Toxic and Hazardous Substances.

Reason for Proposed Action: To improve the protection of workers exposed to toxic or hazardous substances by updating the Permissible Exposure Limits (PELs) based on research performed and data gathered since 1971.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make their views known to the Division of Occupational Health and Safety (OSH) whether in favor of or opposed to any and all provisions of the proposal being noticed. Written comments, data, or other information relevant to this proposal must be submitted within 60 days (May 14, 1997). Written comments may be submitted to: Peggy D. Morris, NCDOL/OSH, 319 Chapanoke Road, Suite 105, Raleigh, NC 27603-3432, Phone: (919) 662-4581, FAX: (919) 662-4582.

**CHAPTER 7 - OFFICE OF OCCUPATIONAL
SAFETY AND HEALTH**

SUBCHAPTER 7F - STANDARDS

TITLE 13 - DEPARTMENT OF LABOR

**CHAPTER 7 - OFFICE OF OCCUPATIONAL
SAFETY AND HEALTH**

SUBCHAPTER 7F - STANDARDS

Notice of Rule-making Proceedings is hereby given by the NC Department of Labor, Division of Occupational Safety and Health in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of

Notice of Rule-making Proceedings is hereby given by the NC Department of Labor, Division of Occupational Safety and Health in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 13 NCAC 7F .0201 (which will amend Subpart V, Power Transmission and Distribution, Section 1926.950 of Title 29 to the Code of Federal Regulations (CFR). Other rules may

be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 95-4; 95-131

Statement of the Subject Matter: The Division of Occupational Safety and Health is proposing to amend the current construction standards (13 NCAC 7F .0201) to require guarding or insulating of energized lines, all potential sources of ground, or other energized sources at different potential when employees are working on energized lines. The objective of this change is to protect employees from electrocution due to inadvertent contact with these sources. Only employers that engage in the construction of electric transmission and distribution lines will be affected by this amendment.

Reason for Proposed Action: To protect construction employees from known sources of electrocution.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make their views known to the Division of Occupational Health and Safety (OSH) whether in favor of or opposed to any and all provisions of the proposal being noticed. Written comments, data, or other information relevant to this proposal must be submitted within 60 days (May 14, 1997). Written comments may be submitted to: Peggy D. Morris, Division of Occupational Safety and Health, 319 Chapanoke Road, Suite 105, Raleigh, NC 27603-3432, Phone: (919) 662-4581 or 1-800-LABORNC, FAX: (919) 662-4582.

TITLE 14A - DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

CHAPTER 7 - DIVISION OF GOVERNOR'S CRIME COMMISSION

Notice of Rule-making Proceedings is hereby given by the Department of Crime Control & Public Safety, Governor's Crime Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 14A NCAC 7 .0313 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143B-477; 143B-479

Statement of the Subject Matter: Limitations on Federal Grant Funding.

Reason for Proposed Action: To change rule to allow

Federal grants to be approved for more than two years.

Comment Procedures: Any interested person may submit comments relevant to the proposed action to Jo Macklin, Administrative Procedures Coordinator, Department of Crime Control & Public Safety, P.O. Box 29590, Raleigh, NC 27626-0590.

SECTION .0300 - GRANT APPLICATION PROCESS AND ADMINISTRATION

.0313 TIME LIMITATION ON FEDERAL FUNDING

Grantees may receive up to two years of funding on a project, at such ratios of federal funds to matching state or local funds as may be specified by each particular federal grant program or relevant ~~guidelines~~. guidelines, or as may be determined by the Commission. Projects may be considered for one or more additional grant periods consistent with federal regulations and subject to availability of funds. ~~The two-year funding limit applies even if a project receives funds from more than one federal criminal justice block grant source during that time.~~

Authority G.S. 143B-10(b); 143B-477; 143B-479.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the EHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 2B .0101, .0202, .0229

Authority for the rule-making: G.S. 143-214.1, 143-214.7, 143-215.3

Statement of the Subject Matter: The Division of Water Quality has developed the basic framework for a new program called Use Restoration Waters (URW) in an effort to address persistent water quality problems which result in impairment to designated uses. Designated uses include aquatic life support, swimming and commercial shellfish harvest. The Water Quality Section has prepared options for implementation of the Use Restoration Waters Program. These options may include an initial rule making to establish the basic framework of the program. Any watershed-specific management strategies with mandatory requirements would require a separate rule making under the state's

Administrative Procedure Act.

Reason for Proposed Action: Throughout North Carolina, there are waters that have pollution problems that prevent them from supporting their designated uses. These waters are often very difficult to restore due to the multitude of nonpoint sources contributing pollutants to the waterbody. Point source dischargers may also be a source of the impairment. The Division of Water Quality (DWQ) is developing a Use Restoration Waters Program to restore designated uses in impaired waters. If approved, this program could include voluntary and/or mandatory management strategies to control the specific parameters of concern in selected impaired watersheds. These voluntary and/or mandatory management strategies would be developed in coordination with interested stakeholders and could include: watershed-specific best management practices for nonpoint sources, source reduction strategies such as education and site-planning considerations, ecosystem restoration, wastewater treatment requirements, and other waste treatment management requirements.

Comment Procedures: Written comments may be submitted to Beth McGee by May 13, 1997 at the following address: Beth McGee, DEHNR/Division of Water Quality, P.O. Box 29535, Raleigh, NC 27626-0525, (919) 733-5083, ext. 575.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the EHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 2B .0304

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed reclassification of Clear Creek in Henderson County (French Broad River Basin) from Class C Tr (Trout) to Class B Tr.

Reason for Proposed Action: The Division of Water Quality (Division) is requesting that the Environmental Management Commission (EMC) reclassify Clear Creek in Henderson County (French Broad River Basin) from its source to Lewis Creek from Class C Tr (Trout) to Class B Tr. The B and SB classifications are assigned to waters that are used for primary recreational purposes. Class B is applicable to freshwaters and Class SB to saltwaters. Primary recreation is defined in Division rules as

"swimming, skin diving, skiing, and similar uses involving human body contact with water where such activities take place in an organized or on a frequent basis." Under North Carolina rules, several criteria must be met before waters can be classified for primary recreation. These are: 1) the area must be of sufficient size and depth to support primary recreation; 2) fecal coliform concentrations must be less than 200 colonies per 100 milliliters based on a geometric mean derived from five samples taken within a 30 day period; 3) there must be no sources of water pollution which could result in a hazard to public health in close proximity to areas where recreation occurs; and 4) primary recreation must take place in an organized or on a frequent basis. In the original request for reclassification, which was made by a local property owner in 1992, the Division was asked to investigate reclassifying Clear Creek to include the High Quality Waters (HQW) supplemental classification along with the reclassification for primary recreation. Results received in 1993 and 1995 from studies conducted by the Division showed that Clear Creek did not qualify for reclassification to HQW, but did meet the requirements for reclassification to B waters. The purpose of this rule change is to protect the water's primary recreational uses. If reclassified, wastewater dischargers to Clear Creek will be required to comply with reliability standards set forth in 15A NCAC 2H .0124. Reliability standards require facilities to insure continued treatment of wastewater during instances of power failure. This can be accomplished through employment of multiple treatment components and backup power supply, or demonstration that the nature of the facility is such that untreated wastewater would not be discharged to surface waters during instances of power failure.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by May 14, 1997. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovaschitz, DEHNR/Division of Water Quality, Planning Branch, P.O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the EHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 2B .0313

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed reclassification of a portion of Cascade and Indian Creeks in Stokes County (Roanoke River Basin) from Classes B and C to Classes B ORW and C ORW.

Reason for Proposed Action: The Superintendent of Hanging Rock State Park has requested that the Environmental Management Commission (EMC) reclassify two creeks in Hanging Rock State Park in Stokes County (Roanoke River Basin) to include the Outstanding Resource Waters (ORW) supplemental classification. Cascade Creek, from its source to the backwaters of the swimming lake, is proposed for reclassification from Class B to Class B ORW. And Indian Creek, from its source to Window Falls, is proposed to be reclassified from Class C to Class C ORW. Both of these stream segments are entirely within the Hanging Rock State Park Boundary. In order to be classified as ORW, a water body must be of exceptional state or national recreational or ecological significance and the waters must have exceptional water quality. In addition, the waters must also exhibit one or more of the following resource values or uses: (1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries; (2) there is an unusually high level of water-based recreation or the potential for such recreation; (3) the waters have already received some special designation such as a North Carolina or National Wild and Scenic River, Native or Special Native Trout Waters, National Wildlife Refuge, etc. which do not provide any water quality protection; (4) the waters represent an important component of a state or national park or forest; or (5) the waters are of special ecological or scientific significance such as habitat for rare or endangered species or as areas for research and education. Water quality analyses show that Cascade Creek, from its source to the swimming lake, and Indian Creek from its source to Window Falls have excellent water quality. Cascade and Indian Creeks are important components of Hanging Rock State Park and rare invertebrate species were found in both streams. Therefore these waters qualify for ORW status. Special protection measures that apply to North Carolina ORWs are set forth in 15A NCAC 2B .0225. At a minimum, no new discharges or expansions are permitted, and stormwater controls for most new development are required.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by May 14, 1997. It is very important that all interested and potentially affected persons or parties make their views

known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovasckitz, DEHNR/Division of Water Quality, Planning Branch, P.O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the EHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 2B .0315

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed revision of the Critical Area and Protected Area boundaries surrounding the Falls Lake water supply reservoir.

Reason for Proposed Action: Falls Lake is the primary drinking water supply source for the City of Raleigh. The water supply is classified as WS-IV and encompasses parts of Durham, Franklin, Granville, and Wake Counties. In addition, the municipalities of Creedmoor, Durham, Raleigh, Butler, and Wake Forest have jurisdiction within the designated water supply area. Since this water supply is a WS-IV with an intake located in a reservoir, the Critical Area (CA) and Protected Area (PA) boundaries are based on the normal pool elevation of the reservoir. The minimum CA size is defined in the Water Supply Watershed Protection Rules as ½ mile and draining to the normal pool elevation of the reservoir. Any changes to the normal pool elevation change the CA and PA boundaries which will in turn affect the amount of land subject to the Rules. Falls Lake was constructed as a multi-purpose reservoir by the U.S. Army Corps of Engineers in 1981, and started filling in 1983. One of the purposes was to provide water to the City of Raleigh with a guaranteed volume. However, due to a surveying error the actual storage capacity of the reservoir fell short of the contractual volume. The normal pool elevation was at 250.1 feet msl (mean sea level) at the completion of the reservoir. The United States Congress approved the Corps raising the dam approximately twelve inches in order to provide the agreed upon storage capacity for the City, and address water quality, flood control and sediment issues. Construction to raise the dam was completed in the fall of 1995. In changing the dam height, the normal pool elevation has risen to 251.5 feet msl. The

result is a change in the Critical and Protected Areas surrounding the lake. Since the Schedule of Classifications for the Neuse River Basin (15A NCAC 2B .0315) references these areas, it is necessary to proceed to rulemaking in order to revise the outer boundaries of the CA and PA. The total affected area will increase from 174,086 acres to 187,741 acres (includes lake surface area), which is a 6 percent increase. Each of the affected local governments would be required to modify their water supply watershed protection ordinance and associated maps within 270 days following adoption and notification from the Environmental Management Commission of the change.

Comment Procedures: *The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by May 14, 1997. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovaschitz, DEHNR/Division of Water Quality, Planning Branch, P.O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.*

**TITLE 21 - OCCUPATIONAL LICENSING
BOARDS**

CHAPTER 36 - BOARD OF NURSING

Notice of Rule-making Proceedings is hereby given by the North Carolina Board of Nursing in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 21 NCAC 36 .0109 - Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 90-171.21; 90-171.23(b)

Statement of the Subject Matter: Revision to the voting process for election of Board members.

Reason for Proposed Action: To incorporate new technology for election of Board members by utilizing telecommunications.

Comment Procedures: Comments regarding this notice should be directed to: Jean H. Stanley, APA Coordinator, North Carolina Board of Nursing, Post Office Box 2129, Raleigh, NC 27602-2129. Comments must be received in the Board of Nursing office by 4:30 p.m. on May 13, 1997.

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services intends to amend rules cited as 10 NCAC 14V .3402, .3803, .5602 and repeal 10 NCAC 15A .0128 - .0129. Notice of Rule-making Proceedings was published in the Register on July 15, 1996.

Proposed Effective Date: July 1, 1998

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): Anyone who wishes to request a public hearing should submit the written request to Charlotte F. Hall, Rule-making Coordinator, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Albemarle Building, 325 N. Salisbury Street, Raleigh, NC 27603-5906 within 15 days following this published notice.

Reason for Proposed Action:

10 NCAC 14V .3402, .3802, .5602 - To clarify language contained in these Rules.

10 NCAC 15A .0128 - .0129 - To repeal Rules with duplicative language contained in other Rules of this Section.

Comment Procedures: Written comments may be submitted to Charlotte F. Hall, Rule-making Coordinator, Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS), 325 N. Salisbury Street, Albemarle Bldg., Suite 558, Raleigh, NC 27603-5906, FAX: 919-733-8259. Comments will be accepted until April 14, 1997.

Fiscal Note: These Rule do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 14 - MENTAL HEALTH: GENERAL

SUBCHAPTER 14V - RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FACILITIES AND SERVICES

SECTION .3400 - RESIDENTIAL TREATMENT/

REHABILITATION FOR INDIVIDUALS WITH SUBSTANCE ABUSE DISORDERS

.3402 STAFF

(a) Each facility shall have full-time staff as follows:

- (1) One full-time certified alcoholism, drug abuse or substance abuse counselor for a facility having up to 30 occupied beds, and for every 30 occupied bed increment or portion thereafter. One staff member for each 10 beds or increment thereof.
- (2) One full-time qualified alcoholism, drug abuse or substance abuse professional as defined in Paragraphs 14, 17 and 19 of 10 NCAC 14V .0104 for facilities having 11 or more occupied beds, and for every additional occupied 10-bed increment or portion thereafter. At least one of the full time staff members required by Subparagraph (a)(1) of this Rule shall be a full-time certified alcoholism, drug abuse, or substance abuse counselor for each 10 beds or increment thereof.
- (3) The remaining full time staff members required by Subparagraph (a)(1) of this Rule may be either qualified alcoholism, drug abuse, or substance abuse counselors.

(b) A minimum of one staff member shall be present in the facility when clients are present in the facility.

(c) In facilities that serve minors, a minimum of one staff member for each five or fewer minor clients shall be on duty during waking hours when minor clients are present.

(d) Any qualified alcoholism, drug abuse or substance abuse professional who is not certified shall become certified by the North Carolina Substance Abuse Professional Certification Board within 26 months from the date of employment, or from the date an unqualified person meets the requirements to be qualified, whichever is later.

(e) Each direct care staff member shall receive annual continuing education to include understanding of the nature of addiction, the withdrawal syndrome, group therapy, and family ~~therapy~~ therapy through in-service training, academic course work, or training approved by the North Carolina Substance Abuse Professional Certification Board.

(f) Each direct care staff member in a facility that serves minors shall receive ~~specialized~~ training in youth development and therapeutic techniques in working with youth.

(g) Each facility shall have at least one staff member on duty trained in the following areas:

- (1) alcohol and other drug withdrawal symptoms; and
- (2) symptoms of secondary complications to alcoholism and drug addiction.

Authority G.S. 122C-26; 143B-147.

SECTION .3800 - ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS (ADETS)

.3803 OPERATIONS

(a) Curriculum. School instructors shall follow the requirements in G.S. 122C-142.1. ~~G.S. 122C 142.1 use a curriculum approved by the Division. Instructors may use the curriculum specified in the "Curriculum Manual for Alcohol and Drug Education Traffic Schools" (DMH/DD/SAS publication APSM 125-1, 130-1). Instructors who desire to use a different curriculum shall submit it to the Division for prior approval. The Division shall review the proposed curriculum to determine that it follows professionally accepted standards to meet the course objectives of reducing the frequency of alcohol and drug-related traffic offenses by modifying the behavior of course participants and of reducing recidivism, blood alcohol content levels, and alcohol/drug crashes.~~

- (1) The program of instruction shall consist of not less than ten hours of classroom instruction.
- (2) Each school may provide up to three additional hours for classroom time and such activities as an initial student assessment, data gathering or a summary conference with students. ~~Information regarding assessments is available in NCAC 18F .0300 SUBSTANCE ABUSE ASSESSMENTS FOR INDIVIDUALS CHARGED WITH OR CONVICTED OF DRIVING WHILE IMPAIRED (DWI).~~

(b) Class Schedule. Each school shall provide a written notice to each student referred by the court as to the time and location of all classes which the student is scheduled to attend.

- (1) Each student shall be scheduled to attend the first and the last class sessions in the order prescribed in the curriculum.
- (2) Classes shall be scheduled to avoid the majority of employment and educational conflicts.
- (3) Each school shall have a written policy which allows for students to be excused from assigned classes by the instructor provided that the excused absence is made up and does not conflict with Subparagraph (b)(1) of this Rule.
- (4) No class session shall be scheduled or held for more than three hours excluding breaks on any day or evening.

(c) Class Size. Class size shall be limited to a maximum of 35 persons.

~~(d) Court Liaisons. Each school shall develop and implement written procedures of liaison with the court. These procedures shall be agreed upon and signed by the designated employee of the school and by the clerk of court, judge and district attorney. These procedures shall include at least the following:~~

- ~~(1) the procedure used to obtain referral of offenders~~

~~from the court;~~

- ~~(2) a provision that the school will notify each student of the time, date, and location of assigned classes;~~
- ~~(3) the procedure for notifying the court of a student's successful completion of the course;~~
- ~~(4) communicating to students in writing the requirements for completing the course and developing a procedure to notify the court of non-compliance cases.~~

(d) Requirements contained in 10 NCAC 18F .0300 SUBSTANCE ABUSE ASSESSMENTS FOR INDIVIDUALS CHARGED WITH OR CONVICTED OF DRIVING WHILE IMPAIRED (DWI) shall be followed by anyone who provides DWI assessments.

(d)(e) DWI Services Certificates Of Completion. The original copy of the North Carolina Department of Human Resources DWI Services Certificates of Completion shall be forwarded to DMH/DD/SAS for review within two weeks of completion of all services.

Authority G.S. 20-179; 20-179.2; 143B-147.

SECTION .5600 - SUPERVISED LIVING FOR INDIVIDUALS OF ALL DISABILITY GROUPS

.5602 STAFF

(a) Staff-client ratios shall be determined so as to enable staff to respond to individualized client needs.

(b) A minimum of one staff member shall be present at all times when any adult client is on the premises, except when the client has been deemed capable of remaining in the home without supervision for a specified time by a qualified mental health, developmental disabilities and substance abuse professional of the operating agency or area program. The approval shall be documented. A minimum of one staff member shall be present at all times when any adult client is on the premises in any facility serving clients with substance abuse disorders. In facilities serving clients of other disability groups, a minimum of one staff member shall be present at all times when any adult client is on the premises except when the client has been deemed capable of remaining in the home without supervision for a specified time by a qualified professional of the operating agency or area program. The approval shall be documented.

(c) Staff shall be present in a facility in the following client-staff ratios when more than one child or adolescent client is present:

- (1) children or adolescents with mental illness or emotional disturbance shall be served with one staff present for every four or fewer clients present;
- (2) children or adolescents with substance abuse disorders shall be served with a minimum of one staff present for every five or fewer minor clients present during waking hours. However, only one staff member need be present during sleeping

hours if emergency back-up procedures as determined by the governing body are sufficient to allow only one staff member on duty; or

(3) children or adolescents with developmental disabilities shall be served with one staff present for every one to three clients present and two staff for every four or more clients present. However, only one staff member need be present during sleeping hours if emergency back-up procedures are sufficient to allow only one staff member on duty.

(d) In facilities which serve clients who have substance abuse disorders:

- (1) at least one staff member who is on duty shall be trained in alcohol and other drug withdrawal symptoms and symptoms of secondary complications to alcohol and other drug addiction;
- (2) when the clients are minors, staff shall be trained in youth development and therapeutic techniques in working with youth; and
- (3) the services of a certified alcoholism counselor, a certified drug abuse counselor or a certified substance abuse counselor shall be available on an as-needed basis for each client.

(e) In facilities which serve individuals with behavior disorders in addition to developmental disabilities, the staff shall include at least one staff member who has received training in the area of behavior management through educational preparation in special education, psychology or a closely related field.

Authority G.S. 143B-147.

CHAPTER 15 - MENTAL HEALTH: HOSPITALS

SUBCHAPTER 15A - GENERAL RULES FOR HOSPITALS

SECTION .0100 - VOLUNTARY ADMISSIONS: INVOLUNTARY COMMITMENTS AND DISCHARGES OF ADULTS FROM REGIONAL PSYCHIATRIC HOSPITALS

.0128 PLACEMENT OF CLIENTS OUTSIDE THEIR COUNTY OF RESIDENCE

(a) ~~When a client of a hospital is to be placed in a facility outside his county of residence, hospital staff shall consult with staff of the area program which serves the county in which the client is to be placed prior to making such a placement. Consultation shall include such issues as:~~

- ~~(1) the client's characteristics;~~
- ~~(2) the area program's knowledge of the facility being considered; and~~
- ~~(3) the area program's assessment of the facility's ability to manage the client being considered for~~

~~placement.~~

~~(b) When a client discharged from a hospital is placed outside his county of residence, the hospital shall send, at the time of discharge, the following records to the area program in whose catchment area the client is placed:~~

- ~~(1) hospital's psychiatric evaluation;~~
- ~~(2) social history; and~~
- ~~(3) post institutional plan.~~

~~In addition, the hospital discharge summary shall be sent to that area program within 30 days of discharge.~~

~~(c) Hospital staff shall notify the area program that serves the client's county of residence of the client's placement site within 72 hours of all planned discharges. That area program shall send to the area program in whose county the client will be placed a copy of the client's most recent treatment plans, medication sheets and other pertinent evaluation information in accordance with G.S. 122C 53(a) and 122C 55(a).~~

~~(d) The area program in whose county the client is placed shall provide services to that client on the same basis as services are provided to other residents of the catchment area.~~

Authority G.S. 122C-3; 122C-112; 122C-117; 143B-147.

.0129 RESOLUTION OF DIFFERENCES OF OPINION

~~(a) Except as provided in Rule .0122(b) of this Section, differences of opinion between area program staff and hospital staff regarding admission, treatment or discharge issues shall be resolved through negotiation involving appropriate hospital and area program staff up to and including the area program's director and the hospital's director.~~

~~(b) If resolution cannot be reached by the Directors of the two organizations, the issue in dispute may be taken by either party to the appropriate regional director.~~

~~(c) The regional director may choose to function as mediator of the dispute or he may choose to refer the matter to the Division director for resolution.~~

Authority G.S. 143B-147.

Notice is hereby given in accordance with G.S. 150B-21.2 that the DHR/Division of Medical Assistance intends to amend rule cited as 10 NCAC 26B .0123. Notice of Rule-making Proceedings was published in the Register on January 2, 1997.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 1:30 p.m. on April 14, 1997 at the Kirby Building-Room 132, 1985 Umstead Drive, Raleigh, NC.

Reason for Proposed Action: *This change in the language of the rule more clearly states that individuals for whom abuse or neglect has been substantiated are eligible for At-Risk Case Management Services and brings the rule in accordance with the language in the Medicaid State Plan.*

Comment Procedures: *Written comments concerning this rule-making action must be submitted by April 14, 1997 to Portia Rochellè, APA Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603. Oral comments may be presented at the hearing. A fiscal note statement is available upon written request from the same address.*

Fiscal Note: *This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26B - MEDICAL ASSISTANCE PROVIDED

SECTION .0100 - GENERAL

.0123 CASE MGMT SVCS/ADULTS/CHILDREN AT-RISK/ABUSE/NEGLECT/ EXPLOITATION

(a) Case management is a set of interrelated activities under which responsibility for locating, coordinating and monitoring appropriate services for an individual rests with a specific person or organization. The purpose of case management services for adults and children at-risk of abuse, neglect, or exploitation is to assist them in gaining access to needed medical, social, educational, and other services; to encourage the use of cost-effective medical care by referrals to appropriate providers; and to discourage over-utilization of costly services. Case management services will provide necessary coordination with providers of non-medical services such as nutrition programs like WIC or educational agencies, when services provided by these entities are needed to enable the individual to benefit from programs for which he or she is eligible. The set of interrelated activities are as follows:

- (1) Evaluation of the client's individual situation to determine the extent of or need for initial or continuing case management services.
- (2) Needs assessment and reassessment to identify the service needs of the client.
- (3) Development and implementation of an individualized plan of care to meet the service needs of the client.
- (4) Providing assistance to the client in locating and referring him or her to providers or programs that can meet the service needs.
- (5) Coordinating delivery of services when multiple

providers or programs are involved in care provision.

- (6) Monitoring and following-up to ensure services are received, adequate to meet the client's needs, and consistent with good quality of care.
- (b) The target group includes:
- (1) Adults who are at-risk or show evidence of abuse, neglect, or exploitation as defined in G.S. 108A-101. Children who are at-risk or show evidence of abuse or neglect as defined in G.S. 7A-517; and
 - (2) Who are Medicaid recipients; and
 - (3) Who are not institutionalized; and
 - (4) Who are not recipients of other Medicaid-reimbursed case management services provided through the State's home and community-based services waivers or the State Plan; and
 - (5) Who reside in counties providing the non-Federal matching funds to offer this service.
- (c) The case manager shall determine whether an adult or child is at-risk of abuse, neglect, or exploitation as follows:
- (1) At-Risk Adult: An at-risk adult is an individual who is at least 18 years old, or an emancipated minor, and meets one or more of the following criteria:
 - (A) An individual with only one consistent identified caregiver, who needs personal assistance 24 hours per day with two or more of the activities of daily living (bathing, dressing, grooming, toileting, transferring, ambulating, eating, communicating); or
 - (B) An individual with no consistent identified caregiver, who is unable to perform at least one of the activities of daily living (bathing, dressing, grooming, toileting, transferring, ambulating, eating, communicating); or
 - (C) An individual with no consistent identified caregiver, who is unable to carry out instrumental activities of daily living (managing financial affairs shopping, housekeeping, laundry, meal preparation, using transportation, using a telephone, reading, writing); or
 - (D) An individual who was previously abused, neglected or exploited, and the conditions leading to the previous incident continue to exist-exist; or
 - (E) An individual who is being abused, neglected, or exploited and is in need of protection.
 - (2) At-Risk Child: An at-risk child is an individual under 18 years of age who meets one or more of the following criteria:
 - (A) A child with a chronic or severe physical

or mental condition whose parent(s) or caretaker(s) are unable or unwilling to meet the child's care needs;

- (B) A child whose parents are mentally or physically impaired to the extent that there is a need for assistance with maintaining family stability and preventing or remedying problems which may result in abuse or neglect of the child; or
- (C) A child of adolescent (under age 18) parents or parents who had their first child when either parent was an adolescent and there is a need for assistance with maintaining family stability, strengthening individual support systems, and preventing or remedying problems which may result in abuse or neglect of the child; or
- (D) A child who was previously abused or neglected, and the conditions leading to the previous incident continue to ~~exist-exist~~; or
- (E) A child who is being abused or neglected and is in need of protection.

(d) Enrollment of providers will be accomplished in accordance with section 1902(a) (23) of the Social Security Act.

(1) Case Manager Qualifications. Case managers must meet the following qualifications:

- (A) A case manager for at-risk adults must:
 - (i) Have a Master of Social Work degree or a Bachelor of Social Work degree, or be a social worker who meets State requirements for Social Worker II classification; and
 - (ii) Have training in recognizing risk factors related to abuse, neglect, or exploitation of elderly or disabled adults and in assessment of functional capacity and needs related to activities of daily living; and
 - (iii) Have experience in case management services for elderly and disabled adults.
- (B) A case manager for at-risk children must:
 - (i) Have a Master of Social Work degree or a Bachelor of Social Work

degree, or be a social worker who meets State requirements for Social Worker II classification; and

- (ii) Have training in recognizing risk factors related to abuse or neglect of children and in assessing family functioning; and
- (iii) Have experience in case management services for children and their families.

(2) Provider Qualifications. Providers must meet the following qualifications:

- (A) Meet applicable State and Federal laws governing the participation of providers in the Medicaid program.
- (B) Be certified by the Division of Social Services as a qualified case management provider. To be certified, a provider must:
 - (i) Have qualified case managers with supervision provided by a supervisor who meets State requirements for Social Work Supervisor I or Social Work Supervisor II classification.
 - (ii) Have the capability to access multi-disciplinary staff, when needed. For adults this includes, at a minimum, medical professionals as needed and an adult protective services social worker meeting the qualifications in Subparagraphs (d)(1)(A)(i) and (d)(1)(A)(ii) of this Rule. For children, this must include medical professionals as needed and a child protective services social worker meeting the qualifications in Subparagraphs (d)(1)(B)(i) and (d)(1)(B)(ii) of this Rule.
 - (iii) Have experience as a legal guardian of persons and property.

Authority G.S. 108A-25(b); 108A-54; Social Security Act, 1915(g).

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

Rule-making Agency: *DEHNR - Commission for Health Services*

Rule Citation: *15A NCAC 24A .0202(d)(f)*

Effective Date: *Paragraph (f) effective March 1, 1997 and Paragraph (d) effective April 1, 1997*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 130A-4.2; 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205*

Reason for Proposed Action: *The purpose of this rulemaking is to increase the income eligibility for the HIV Medications Program to 125 percent of the poverty level and thereby make federal funding for HIV related care available to more North Carolina clients. This rulemaking will also decrease the income eligibility for the Cancer Control Program to 115 percent of the federal poverty level and subsequently decrease the number of eligible clients. This action is necessary to prevent over-obligation of state funds during the fiscal year.*

Comment Procedures: *Comments may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register to Richard Moore, DEHNR, Purchase of Medical Care Services Section, Office of the Controller, PO Box 29602, Raleigh, NC 27626.*

**CHAPTER 24 - GENERAL PROCEDURES
FOR PUBLIC HEALTH PROGRAMS**

SUBCHAPTER 24A - PAYMENT PROGRAMS

SECTION .0200 - ELIGIBILITY DETERMINATIONS

**.0202 DETERMINATION OF FINANCIAL
ELIGIBILITY**

(a) A patient must meet the financial eligibility requirements of this Subchapter to be eligible for benefits provided by the payment programs. Financial eligibility shall be determined through application of income scales. The definition of annual net income in Rule .0203 of this Subchapter and the definitions of family in Rule .0204 of this Subchapter shall be used in applying the income scales, except as provided in Paragraphs (f) and (g) of this Rule.

(b) A person shall be financially eligible for inpatient services under the Sickie Cell Program if the net family

income is at or below the following scale: Family Size 1: \$4,200; Family Size 2: \$5,300; Family Size 3: \$6,400; Family Size 4: \$7,500; Family Size 5 and over: add \$500 per family member.

(c) A person shall be financially eligible for outpatient services under the Sickie Cell Program if the net family income is at or below the federal poverty level in effect on July 1 of each fiscal year.

(d) A person shall be financially eligible for the HIV Medications Program if the net family income is at or below ~~110 percent~~ 125 percent of the federal poverty level in effect on July 1 of each fiscal year.

(e) A person shall be financially eligible for the Kidney Program if the net family income is at or below the following scale: Family Size 1: \$6,400; Family Size 2: \$8,000; Family Size 3: \$9,600; Family Size 4: \$11,000; Family Size 5: \$12,000; Family Size 6 and over: add \$800 per family member.

(f) A person shall be financially eligible for the Cancer Program if gross family income is at or below ~~200%~~ 115 percent of the federal poverty level in effect on July 1 of each year.

(g) A child shall be financially eligible for Children's Special Health Services if the child is approved for Medicaid when applying or reapplying for program coverage, except for children eligible under Paragraph (h) and (i) of this Rule.

(h) A child approved for Children's Special Health Services post adoption coverage pursuant to 15A NCAC 21F .0800, shall be eligible for services under Children's Special Health Services if the child's net income is at or below the federal poverty level in effect on July 1 of each year.

(i) Non-Medicaid eligible children covered by CSHS prior to January 1, 1996 who reapply for program coverage during 1996 shall be granted one additional year of eligibility if their net family income is at or below the federal poverty level approved for program use at the time that they apply.

(j) A person shall be financially eligible for services under the Adult Cystic Fibrosis Program if the net family income is at or below the federal poverty level in effect on July 1 of each year.

(k) The financial eligibility requirements of this Subchapter shall not apply to:

- (1) Migrant Health Program;
- (2) School Health Fund financial eligibility determinations performed by a local health department which has chosen to use the financial eligibility standards of the Department of Public Instruction's free lunch program;
- (3) Prenatal outpatient services sponsored through

local health department delivery funds, 15A NCAC 21C .0200; or through Perinatal Program high risk maternity clinic reimbursement funds, 15A NCAC 21C .0300;

- (4) Diagnostic assessments for infants up to 12 months of age with sickle cell syndrome.

(l) Except as provided in Paragraphs (l) and (m) of this Rule, once an individual is determined financially eligible for payment program benefits, the individual shall remain financially eligible for a period of one year after the date of application for financial eligibility unless there is a change in the individual's family size pursuant to Rule .0204 of this Subchapter or his family's financial resources or expenses during that period. If there is a change, financial eligibility for payment program benefits must be redetermined. Financial eligibility must be redetermined at least once a year.

(m) For purposes of the Kidney Program and HIV Medications Program, once an individual is determined to be financially eligible, if the application for financial eligibility was received by the Department in the fourth quarter of the fiscal year, the individual shall remain financially eligible for benefits until the end of the next fiscal year unless there is a change in the individual's family size pursuant to Rule .0204 of this Subchapter or his family's financial resources or expenses during that period.

(n) Children eligible for Children's Special Health Services Program benefits under Paragraph (g) of this Rule are financially eligible for a service if they were Medicaid eligible on the date the requested service was initiated.

(o) If the most current financial eligibility form on file with the Department shows that the patient was financially eligible on the date an Authorization Request for payment for drugs was received, the Authorization Request may be approved so long as the Authorization Request is received less than 30 days prior to the expiration of financial eligibility and the authorized service does not extend more than 30 days after the expiration of financial eligibility.

History Note: Filed as A Temporary Amendment Eff. August 9, 1993 For a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner: Authority G.S. 130A-4.2; 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; Eff. July 1, 1981; Amended Eff. July 1, 1986; April 1, 1984; July 1, 1983; October 1, 1982; Transferred and Recodified from 10 NCAC 4C .0202 Eff. April 4, 1990; Amended Eff. January 1, 1996; July 1, 1995; April 1, 1995; October 1, 1994; Temporary Amendment Eff. March 1, 1997 to Paragraph (f); Temporary Amendment Eff. April 1, 1997 to Paragraph (d).

Rule-making Agency: *North Carolina Licensing Board for General Contractors*

Rule Citation: *21 NCAC 12 .0202*

Effective Date: *February 18, 1997*

Findings Reviewed by Beecher R. Gray: *Approved*

Authority for the rule-making: *G.S. 87-1, 87-10*

Reason for Proposed Action: *To require all general contractors to be licensed under at least one of five classifications.*

Comment Procedures: *Written comments may be submitted to Mark D. Selph at the Board's office. The Board's address is P.O. Box 17187, Raleigh, NC 27619.*

CHAPTER 12 - LICENSING BOARD FOR GENERAL CONTRACTORS

SECTION .0200 - LICENSING REQUIREMENTS

.0202 CLASSIFICATION

(a) A general contractor ~~may~~ **must** be certified in one of five classifications. These classifications are:

- (1) **Building Contractor.** This classification covers all types of building construction activity including but not limited to: commercial, industrial, institutional, and all types of residential building construction; covers all site work, grading and paving of parking lots, driveways, sidewalks, curbs and gutters which are ancillary to the aforementioned types of construction; and covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), and S(Swimming Pools).
- (2) **Residential Contractor.** This classification covers all types of construction activity pertaining to the construction of residential units which are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138; covers all site work, driveways and sidewalks ancillary to the aforementioned construction; and covers the work done as part of such residential units under the specialty classifications of S(Insulation), S(Masonry Construction), S(Roofing), and S(Swimming Pools).
- (3) **Highway Contractor.** This classification covers all types of highway construction activity including but not limited to: grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

lines ancillary to the principal project, bridge construction and repair, sidewalks, curbs, gutters and storm drainage. Includes installation and erection of guard rails, fencing, signage and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of signage, runway lighting and marking; and covers work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine Construction) and S(Railroad Construction). If the contractor limits his activity to grading and does no other work described herein, upon proper qualification the classification of H(Grading and Excavating) may be granted.

(4) **Public Utilities Contractor.** This classification includes those whose operations are the performance of construction work on the subclassifications of facilities set forth in G.S. 87-10(3). The Board may issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(3) for which the contractor qualifies. Within appropriate subclassification, a public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), and S(Swimming Pools).

(5) **Specialty Contractor.** This classification shall embrace that type of construction operation and performance of contract work outlined as follows:

(A) **H(Grading and Excavating).** Covers the digging, moving and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, excavation, grade, trench, backfill, or any similar operation can be executed with the use of hand and power tools and machines commonly used for these types of digging, moving and material placing. Covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. Also includes clearing and grubbing, and erosion control activities.

(B) **S(Boring and Tunneling).** Covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface including the bracing and compacting of such passageways to make them safe for the purpose intended. Includes preparation of the ground surfaces at points of ingress and egress.

(C) **PU(Communications).** Covers the installation of the following:

- (i) All types of pole lines, and aerial and underground distribution cable for telephone systems;
- (ii) Aerial and underground distribution cable for Cable TV and Master Antenna TV Systems capable of transmitting R.F. signals;
- (iii) Underground conduit and communication cable including fiber optic cable; and
- (iv) Microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals.

(D) **S(Concrete Construction).** Covers the construction and installation of foundations, pre-cast silos and other concrete tanks or receptacles, prestressed components, and gunite applications, but excludes bridges, streets, sidewalks, curbs, gutters, driveways, parking lots and highways.

(E) **PU(Electrical-Ahead of Point of Delivery).** Covers the construction, installation, alteration, maintenance or repair of an electrical wiring system, including substations or components thereof, which is or is intended to be owned, operated and maintained by an electric power supplier, such as a public or private utility, a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers.

(F) **PU(Fuel Distribution).** Covers the construction, installation, alteration, maintenance or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals and slurries through pipeline from one station to another. Includes all excavating, trenching and backfilling in connection therewith. Covers the installation, replacement and removal of above ground and below ground fuel storage tanks.

(G) **PU(Water Lines and Sewer Lines).** Covers construction work on water and sewer mains, water service lines, and house and building sewer lines as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations and pumping stations. Includes pavement patching, backfill and

- erosion control as part of such construction.
- (H) PU(Water Purification and Sewage Disposal). Covers the performance of construction work on water and wastewater treatment facilities and covers all site work, grading, and paving of parking lots, driveways, sidewalks, and curbs and gutters which are ancillary to such construction of water and wastewater treatment facilities. Covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of such work on water and wastewater treatment facilities.
- (I) S(Insulation). Covers the installation, alteration or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. Does not include the insulation of mechanical equipment and ancillary lines and piping.
- (J) S(Interior Construction). Covers the installation of acoustical ceiling systems and panels; drywall partitions (load bearing and non-load bearing), lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets and millwork. Includes the removal of asbestos and replacement with non-toxic substances.
- (K) S(Marine Construction). Covers all marine construction and repair activities and all types of marine construction in deep-water installations and in harbors, inlets, sounds, bays, and channels; covers dredging, construction and installation of pilings, piers, decks, slips, docks, and bulkheads. Does not include structures required on docks, slips and piers.
- (L) S(Masonry Construction). Covers the installation, with or without the use of mortar or adhesives, of the following:
- (i) Brick, concrete block, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry;
 - (ii) Installation of fire clay products and refractory construction;
 - (iii) Installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) S(Railroad Construction). Covers the building, construction and repair of railroad lines including:
- (i) The clearing and filling of rights-of-way;
 - (ii) Shaping, compacting, setting and stabilizing of road beds;
 - (iii) Setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences and gates; and
 - (iv) Construction and repair of tool sheds and platforms.
- (N) S(Roofing). Covers the installation and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" shall be defined for purposes of this Subparagraph to include, among other things, cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.
- (O) S(Metal Erection). Covers:
- (i) The field fabrication, erection, repair and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment and structure; and
 - (ii) The layout, assembly and erection by welding, bolting or riveting such metal products as, but not limited to, curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, stadium and arena seating, bleachers, and fire escapes.
- (P) S(Swimming Pools). Covers the construction, service and repair of all swimming pools. Includes:
- (i) Excavation and grading;
 - (ii) Construction of concrete, gunite, and plastic-type pools, pool decks, and

- walkways, and tiling and coping;
and
- (iii) Installation of all equipment including pumps, filters and chemical feeders. Does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.
- (Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation and/or demolition activities.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examination for the classifications in question. The license granted to an applicant who meets the qualifications for all classifications will carry with it a designation of "unclassified."

(c) The temporary amendment to this Rule shall not be enforced for a period of 60 days from the effective date of the temporary amendment and shall not apply to any bids undertaken or contracted during or prior to the 60 day period. The temporary amendment shall not apply to any construction begun prior to or during the 60 day period and shall not be applied retroactively.

History Note: Authority G.S. 87-1; 87-10;

Eff. February 1, 1976;

Readopted Eff. September 26, 1977;

Amended ff. June 1, 1994; June 1, 1992; May 1, 1989;

January 1, 1983;

Temporary Amendment Eff. February 18, 1997.

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of February 20, 1997 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules unless otherwise noted, will become effective on the 31st legislative day of the 1998 Short Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION

**REGISTER CITATION TO THE
NOTICE OF TEXT**

15A	NCAC 07M	.0403 *	10:18 NCR 2317
19A	NCAC 03J	.0102 *	11:17 NCR 1331
19A	NCAC 03J	.0601 *	11:17 NCR 1331
23	NCAC 02C	.0304 *	not required, G.S. 150B-21.5
23	NCAC 02E	.0203 *	11:09 NCR 586

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

CHAPTER 7 - COASTAL MANAGEMENT

**SUBCHAPTER 7M - GENERAL POLICY
GUIDELINES FOR THE COASTAL AREA**

SECTION .0400 - COASTAL ENERGY POLICIES

.0403 POLICY STATEMENTS

(a) The placement and operations of major energy facilities in or affecting any land or water use or natural resource of the North Carolina coastal area shall be done in a manner that allows for protection of the environment and local and regional socio-economic goals as set forth in the local land-use plan(s) and State guidelines in 15A NCAC 7H and 7M. The placement and operation of such facilities shall be consistent with established state standards and rules and shall comply with local land use plans and with guidelines for land uses in AECs.

(b) Proposals, plans and permit applications for major energy facilities to be located in or affecting any land or water use or natural resource of the North Carolina coastal area shall include a full disclosure of all costs and benefits associated with the project. This disclosure shall be prepared at the earliest feasible stage in planning for the project and shall be in the form of an impact assessment prepared by the applicant as defined in 15A NCAC 7M .0402.

(c) Local governments shall not unreasonably restrict the

development of necessary energy facilities; however, they may develop siting measures that will minimize impacts to local resources and to identify potential sites suitable for energy facilities.

(d) Energy facilities that do not require shorefront access shall be sited inland of the shoreline areas. In instances when shoreline portions of the coastal zone area are necessary locations, shoreline siting shall be acceptable only if it can be demonstrated that coastal resources and public trust waters will be adequately protected, the public's right to access and passage will not be unreasonably restricted, and all reasonable mitigating measures have been taken to minimize impacts to AECs.

(e) The scenic and visual qualities of coastal areas shall be considered and protected as important public resources. Energy development shall be sited and designed to provide maximum protection of views to and along the ocean, sounds and scenic coastal areas, and to minimize the alteration of natural landforms.

(f) All energy facilities in or affecting any land or water use or natural resource of the coastal area shall be sited and operated so as to be consistent with the following criteria to the maximum extent practicable.

- (1) Risks of environmental harm to fish spawning areas, in or affecting the coastal area, shall be assessed and minimized.
- (2) Risks of environmental harm to coastal resources and uses shall be assessed and minimized. Necessary data and information required by the state for state permits and federal consistency reviews, pursuant to 15 CFR part 930, shall

- completely assess the risks of oil spills, evaluate possible trajectories, and enumerate response and mitigation measures employing the best available technology to be followed in the event of a spill. The information must demonstrate that the potential for oil spills and ensuing damage to coastal resources has been minimized and shall factor environmental conditions, currents, winds, and inclement events such as Northeasters and hurricanes, in trajectory scenarios. For facilities requiring an Oil Spill Contingency Plan, this information shall be included in such a plan.
- (3) Dredging, spoil disposal and construction of related structures that are reasonably likely to affect any land or water use or natural resource of the coastal area shall be minimized, and any unavoidable actions of this sort shall minimize damage to the marine environment.
 - (4) Damage to or interference with existing or traditional uses, such as fishing, navigation and access to public trust areas, and areas with high biological or recreational value, shall be avoided to the extent that such damage or interference is reasonably likely to affect any land or water use or natural resource of the coastal area.
 - (5) Placement of structures in geologically unstable areas, such as unstable sediments and active faults, shall be avoided to the extent that damage to such structures resulting from geological phenomena is reasonably likely to affect any land or water use or natural resource of the coastal area.
 - (6) Wildlife destruction or relocation shall be assessed and minimized to the extent that such destruction or relocation is reasonably likely to affect any land or water use or natural resource of the coastal area.
 - (7) Adverse impacts on species identified as threatened or endangered on Federal or State lists shall be avoided.
 - (8) Major energy facilities are not appropriate uses in fragile or historic areas, and other areas containing environmental or natural resources of more than local significance, such as parks, recreation areas, wildlife refuges, and historic sites.
 - (9) No energy facilities shall be sited in areas where they pose a threat to the integrity of the facility and surrounding areas, such as ocean front areas with high erosion rates, areas having a history of overwash or inlet formation, and areas in the vicinity of existing inlets.
 - (10) In the siting of energy facilities and related structures, the following areas shall be avoided to the maximum extent practicable:
 - (A) areas of high biological significance, including offshore reefs, rock outcrops and hard bottom areas, sea turtle nesting beaches, freshwater and saltwater wetlands, primary nursery areas, submerged aquatic vegetation beds, shellfish beds, anadromous fish spawning and nursery areas, and colonial bird nesting colonies;
 - (B) major tracts of maritime forest and other important natural areas as identified by the North Carolina Natural Heritage Program;
 - (C) crossings of streams, rivers, and lakes except for existing readily-accessible corridors;
 - (D) anchorage areas and congested port areas;
 - (E) artificial reefs, shipwrecks, and submerged archaeological resources;
 - (F) dump sites;
 - (G) areas of large dunes or well-developed frontal dune systems;
 - (H) heavily developed and heavily used recreation areas.
 - (11) Where impacts on these areas cannot be avoided, and the impact affects any land or water use or natural resource of the coastal area, damage shall be mitigated to the maximum extent practicable, and affected areas shall be restored to their original functions pursuant to a plan of reclamation, which must be a part of the consistency determination or permit.
 - (12) Construction of energy facilities shall occur only during periods of lowest biological vulnerability. Nesting and spawning periods shall be avoided.
 - (13) If facilities located in the coastal area are abandoned, habitat of equal value to or greater than that existing prior to construction shall be restored as soon as practicable following abandonment. For abandoned facilities outside the coastal area, habitat in the areas shall be restored to its preconstruction state and functions as soon as practicable if the abandonment of the structure is reasonably likely to affect any land or water use or natural resource of the coastal area.

History Note: Authority G.S. 113A-102(b); 113A-107; 113A-124;
Eff. March 1, 1979;
Amended Eff. August 1, 1998; April 1, 1992.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 3 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 3J - RULES AND REGULATIONS GOVERNING THE LICENSING OF COMMERCIAL TRUCK DRIVER TRAINING SCHOOLS AND INSTRUCTORS

SECTION .0100 - COMMERCIAL TRUCK DRIVER TRAINING SCHOOLS

.0102 DEFINITIONS

For the purpose of this Subchapter, the following definitions shall apply:

- (1) "Actively Enrolled" means any student who is neither a graduate nor has failed to complete his or her course.
- (2) "Base Period" means a six-month period from January 1 through June 30 or from July 1 through December 31.
- (3) "Commercial Truck Driver Training School" means any enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either in class or behind the wheel, or both, to operate or drive a truck-tractor-trailer combination unit, and charging a consideration or tuition for such services.
- (4) "Constructive Notice" means a student's notice of intention to withdraw from a course by failing to attend residence instructional facilities for a period of three consecutive days on which that class meets.
- (5) "Cooling off Period" means five days from the time the student is given or mailed a signed copy of his completed contract.
- (6) "Enrollment contract" means any agreement or instrument, however named, which creates or evidences an obligation binding a student to purchase a course from a school.
- (7) "Fail to Complete" means any student who does not fully complete the required 160 hours of the lessons or classes required by the Division as constituting the full course of study and who cancels by any of the methods prescribed, shall be deemed to have "failed to complete" his or her course.
- (8) "Field Training" means off-road training in and around the truck. Refer to Rule .0306(2)(b), (c), (e), and (i) of Section .0300.
- (9) "Foreign Commercial Truck Driver Training School" means an enterprise located outside North Carolina which solicits, advertises, or offers truck driver training to residents of North Carolina.
- (10) "General Job or Earnings Claim" means any express claim or representation concerning the general conditions or employment demand in any employment market now or at any time in the future or the amount of salary or earnings generally available to persons employed in any occupation.
- (11) "Graduate" means any student who fully completes the required 160 hours of the lessons or classes required by the Division and discharges any other requirements or obligations established by the school as prerequisites for completing the full course of study.
- (12) "Job or Earnings Claim" means any general or specific job or earnings claim.
- (13) "Media Advertisement" means any advertisement disseminated to the public by means of print or broadcast media, including newspapers, magazines, radio, television, posters, or any other means. It does not include promotional materials that are available from a school or distributed by its sales representatives.
- (14) "Most Recent Base Period" means the latest base period.
- (15) "New Course" means any course which has a substantially different course content and occupational objective from any course previously offered by the school and which has been offered for a period of time less than six months.
- (16) "Prospective Student" means any person who seeks to enroll in a course.
- (17) "Recruiter/Salesman" means any person who is employed by a commercial truck driver training school, directly or indirectly, to recruit students for a school. This definition includes persons who are employed by another person who is a direct employee or broker for a school.
- (18) "Refresher Course" means a minimum 80-hour course which offers classroom and behind the wheel instruction for drivers who have previously held a CDL, Class A, or Chauffeurs License.
- (19) "Seminar" means a course of 40 hours or less offering educational materials and classroom instruction only in order to prepare a student for an examination given by the State for a driver's license.
- (20) "Specific Job or Earnings Claim" means any express claim or representation concerning the employment opportunities available to students or the demand for students who purchase the school's course, or the amount of salary or earnings available to students who purchase the school's course.
- (21) "Student" means any person who has signed an enrollment contract with a school and not canceled that contract before the cooling-off-period, specified in this Rule, has ended.
- (22) "Total Contract Price" means the total price for the enrollment contract, including charges for registration, ancillary services, and any finance charges.

History Note: Authority G.S. 20-320; 20-321;

Eff. May 1, 1987;

Amended Eff. August 1, 1998; January 1, 1994; February 1, 1991.

SECTION .0600 - CONTRACTS

.0601 REQUIREMENTS

Commercial truck driver training school contracts for students are required if the course of instruction contracted for by the student is a refresher course or a course of 160 hours or more. The contract shall contain, but is not limited to, the following information:

- (1) The agreed total contract charges and full terms of payment thereof.
- (2) The number, nature, time, and extent of lessons contracted for, including:
 - (a) minimum hours of instruction as required in Rule .0306 of this Subchapter.
 - (b) rate for use of school vehicle for a driver's license road test, if an extra charge is made.
- (3) A statement which reads substantially as follows: "This agreement constitutes the entire contract between the school and the student, and any verbal assurances or promises not contained herein shall bind neither the school nor the student."
- (4) A statement which reads as follows: "This school is licensed by the State of North Carolina, Division of Motor Vehicles."
- (5) A statement which reads as follows: "If you, as a student, are unable to settle a dispute with the school, please direct your grievances to the North Carolina Division of Motor Vehicles, Enforcement Section, 1100 New Bern Avenue, Raleigh, North Carolina 27697-0001."

*History Note: Authority G.S. 20-321; 20-322; 20-323; Eff. May 1, 1987;
Amended Eff. August 1, 1998; January 1, 1994; February 1, 1991; May 1, 1990.*

TITLE 23 - DEPARTMENT OF COMMUNITY COLLEGES

CHAPTER 2 - COMMUNITY COLLEGES

**SUBCHAPTER 2C - COLLEGES:
ORGANIZATION AND OPERATIONS**

SECTION .0300 - STUDENTS

**.0304 STUDENT LOAN FUNDS FOR
VOCATIONAL AND TECHNICAL
EDUCATION**

(a) The loan fund shall be held by the State Board and released by the System President of the Department of Community Colleges to meet loan commitments made by the various institutions.

(b) The Department of Community Colleges shall

disseminate information concerning the Student Loan Fund to all chief administrative officers of technical institutes and community colleges, hereinafter referred to as institutions. The Department of Community Colleges shall prepare news releases, brochures, and other publications interpreting the student loan program.

(c) Applicants for the loans shall be furnished copies of the governing rules adopted by the board. Recipients of loans, by virtue of having complied with all the requirements for receiving aid, shall thereby be acknowledging their agreement to abide by the purpose of the fund and the rules prescribed by the board. Each institution is responsible for administering the fund and for making and collecting the loans. Periodically, as determined by the System President of the Department of Community Colleges and the State Board, collections on the loans shall be transmitted to the State Board. The institution, through a student loan committee, shall be responsible for the selection of those candidates to be recipients of student loans.

(d) The System President of the Department of Community Colleges shall request institutions to furnish his office with appropriate enrollment verification that recipients of student loans are full-time students, and other necessary reports and information for proper records and control of total program.

(e) The State Board shall have authority to revoke any loan if and when it should be determined that:

- (1) The information submitted in support of the application was willfully reported erroneously or incompletely; or
- (2) The student is not pursuing his work satisfactorily.

(f) It shall be the responsibility of the loan recipients to keep the chief administrative officers of institutions informed of any change in address, status, or employment.

(g) Recipients of student loans may be granted financial assistance of not more than three hundred dollars (\$300.00) per academic school year. The number of loans shall be determined by the demand and the availability of funds.

(h) Recipients of student loans shall execute promissory notes on forms approved by the Attorney General. All student loans shall be evidenced by said notes, approved by and made payable to the institution granting the loan, which shall bear interest at the rate of three and one-half percent per annum. Repayment of such principal together with accrued interest thereon, shall be made over a minimum of five-year repayment period, commencing one year after the maker of the note ceases to be a full-time student in an institution and ending six years after such date. Interest shall accrue from the beginning of such repayment period. In the event the loan recipient acquires a disability as defined in the North Carolina Workers' Compensation Act, or dies, the unpaid indebtedness shall be canceled. In the event a loan recipient fails to maintain a "c" average or permanently withdraws from the institution, the entire indebtedness shall become due payable, with interest

commencing on that date.

(i) Each candidate for a loan must:

- (1) be a resident of North Carolina and be or expect to be a full-time student of the approved institution as defined by the State Department of Community Colleges;
- (2) declare that he is in need of financial aid to continue his studies as evidenced by information on furnished forms;
- (3) apply on forms provided by the State Department of Community Colleges;
- (4) be approved by the institution student loan committee;
- (5) use the proceeds of the loan only for the payment of tuition and required fees, institutional equipment, materials, and books, board and room, and similar living expenses.

(j) Applications shall be submitted to the chief administrative officers of institutions on forms prescribed and supplied by the System President of the Department of Community Colleges. Additional forms essential to the operation of the Student Loan Fund may be developed in the discretion of the System President of the Department of Community Colleges.

History Note: Authority G.S. 115D-1; 115D-5;

Eff. February 1, 1976;

Readopted Eff. January 5, 1978;

Amended Eff. March 1, 1997; December 1, 1984.

SUBCHAPTER 2E - EDUCATIONAL PROGRAMS

SECTION .0200 - CURRICULUM PROGRAMS

.0203 STANDARDS FOR TECHNICAL-VOCATIONAL CURRICULUMS

(a) Standards. The standards for each occupational curriculum, technical or vocational, shall be developed in accordance with the following guidelines. Each institution shall design its curriculum courses and requirements to comply with the standards for the curriculum. Each institution shall also follow procedures for curriculum approval as outlined in Rules .0101 and .0102 of this Subchapter.

(b) Guidelines for Technical-Vocational Curriculums

- (1) Each curriculum shall be developed to meet specific occupational objectives and occupational educational competencies. The curriculum shall be designed to lead to employment. The curriculum shall emphasize knowledge, skills, and attitudes appropriate to the occupational cluster for which it is designed, with the necessary information about instruments, tools, equipment, and processes included as an integral part of the curriculum.
- (2) The curriculum is defined as consisting of a

course or a group of courses organized in a logical sequence to meet occupational educational goals and that meet the following criteria.

- (A) The curriculum consists of a course or courses which total a minimum of 16 quarter hour credits.
- (B) The curriculum covers the instruction in the designated competencies for an occupation.
- (3) Curriculums leading to the Associate in Applied Science (A.A.S.) degree shall require from 96 quarter hour credits to 128 quarter hour credits for graduation. Total quarter hour credits required for each curriculum shall be established at a minimum with the maximum allowed being no more than 10 percent above the minimum.
- (4) Curriculums leading to the diploma shall require from 64 to 128 quarter hour credits for graduation. Quarter hour credits for each curriculum shall be established at a minimum with a maximum being no more than 10 percent above the minimum.
- (5) Certificates shall be awarded to a graduate of a curriculum of fewer than 64 quarter hour credits in length.
- (6) Technical Curriculums
 - (A) Technical curriculums shall be designed to prepare individuals for employment in fields recognized as semiprofessional or paraprofessional in status. They shall be composed of collegiate-level studies (not necessarily transferable) providing a greater degree of theoretical knowledge than manipulative skills and shall be oriented to a broad occupational cluster.
 - (B) Graduates from a technical curriculum shall have at least 18 quarter hour credits in the areas of English, social science, and the humanities.
 - (C) The Associate in Applied Science degree shall be awarded to the graduate of a technical curriculum with 96 quarter hour credits or more.
- (7) Technical Specialty Curriculums
 - (A) Technical specialty curriculums shall be designed to prepare individuals for employment in fields recognized as semiprofessional or paraprofessional in status. They shall be composed of collegiate-level studies (not necessarily transferable) providing a greater degree of theoretical knowledge than manipulative skills.
 - (B) Technical specialty curriculums shall include only those general education and related courses necessary to support the technical courses offered in the curriculum.
 - (C) Technical specialty curriculums usually are

- composed of selected technical courses designed to prepare for a particular technical skill. Technical specialty curriculums shall range from 16 to 95 quarter hour credits for each curriculum established at a minimum with the maximum allowed being no more than 10 percent above the minimum.
- (D) The diploma shall be awarded to the graduate of a technical specialty curriculum 64 to 95 quarter hour credits in length.
- (E) The certificate shall be awarded to the graduate of a technical specialty curriculum with fewer than 64 quarter hour credits in length.
- (8) Vocational Curriculums
- (A) Vocational curriculums shall be designed to prepare individuals for skilled or semiskilled employment opportunities. Study is primarily oriented to the development of manipulative skill competencies for use in a specialized occupation.
- (B) Graduates from a vocational curriculum shall have at least six quarter hour credits in one or more of the areas of communications skills, applied sciences, and applied social sciences.
- (C) The diploma shall be awarded to the graduate of a vocational curriculum that is 64 or more quarter hour credits in length. The certificate shall be awarded to the graduate of a vocational curriculum of fewer than 64 quarter hour credits in length.
- (9) Vocational Specialty Curriculums
- (A) Vocational specialty curriculums shall be designed to prepare students for skilled or semiskilled employment opportunities. Study is primarily oriented to the development of manipulative skills for use in a specialized occupation.
- (B) Vocational specialty curriculums usually include only those subjects necessary to support the development of the skills for the specialized occupation. Vocational specialty curriculums shall be a minimum of 16 quarter hour credits in length.
- (C) A certificate shall be awarded to the graduate of a vocational specialty curriculum.
- (10) Procedures of Establishing Standards for Each Curriculum
- (A) The standards for each curriculum shall be established jointly by the Department of Community Colleges and the institution(s) offering or proposing to offer the curriculum.
- (B) A curriculum may have subject categories established with minimum and maximum quarter hour credit ranges for the subject area. Technical curriculums shall have minimum quarter hour credits established for the following subject categories: technical, related and general education. Elective quarter hour credits may also be included as a category. Vocational curriculums may have subject categories established.
- (C) A minimum percentage of quarter hour credits awarded to class work shall be specified for each curriculum.
- (D) Cooperative education or work experience may be included in the curriculum up to a maximum of 12 quarter hour credits. Under a curriculum standard specifically designed for select associate degree programs, work experience shall be included in a curriculum up to a maximum of 24 quarter hour credits. The select associate degree programs shall be based on a program of studies registered under North Carolina Department of Labor Apprenticeship programs. Only 12 quarter hour credits of work experience shall earn budget FTE. The Department shall implement the Pilot Work Experience project and shall submit to the State Board a report, including the number of students involved and associated costs, one year after this Rule as revised is effective.
- (11) Procedures for Changing Standards for Each Curriculum. Changes in standards for each curriculum shall require the approval of the State Board. Request for changes in the standards approved by the State Board for a curriculum shall be made to the Board under the following conditions:
- (A) Request to the Department of Community Colleges to change the standards;
- (B) Concurrence by the majority of institutions offering the specific curriculum;
- (C) Concurrence by the Department of Community Colleges.
- (12) Procedures for Designing Curriculums at the Institutional Level
- (A) The institution shall be responsible for the design of the curriculum at the institutional level.
- (B) The curriculum shall adhere to the standards as approved by the State Board for the curriculum.
- (C) When standards are to be developed for a new curriculum, the institution or

institutions planning to submit applications to the State Board for curriculum approval shall jointly develop the standards with the Department of Community Colleges for the proposed curriculum for presentation to the State Board for action.

- (D) The institution shall maintain on file with the Department of Community Colleges a copy of the official curriculum approved by the institution's board of trustees. A copy of each revised curriculum shall be filed with the Department of Community Colleges prior to implementation at the institution.

History Note: Authority G.S. 115D-5;

Eff. July 1, 1979;

Amended Eff. July 1, 1998; December 1, 1984.

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, March 20, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, March 17, 1997, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Philip O. Redwine - Chairman
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry

Appointed by House
 Bill Graham - Vice Chairman
 James Mallory, III
 Paul Powell
 Anita White

RULES REVIEW COMMISSION MEETING DATES

March 20, 1997
 April 17, 1997
 May 15, 1997

June 19, 1997
 July 17, 1997
 August 21, 1997

MEETING DATE: MARCH 20, 1997

LOG OF FILINGS

RULES SUBMITTED: JANUARY 20, 1997 THROUGH FEBRUARY 20, 1997

AGENCY/DIVISION	RULE NAME	RULE	ACTION
ADMINISTRATION/STATE BUILDING COMMISSION			
	Authority	1 NCAC 30G .0101	Adopt
	Policy	1 NCAC 30G .0102	Adopt
	Definitions	1 NCAC 30G .0103	Adopt
	General Procedures	1 NCAC 30G .0104	Adopt
	Criteria for Consideration	1 NCAC 30G .0105	Adopt
AGRICULTURE/PLANT CONSERVATION BOARD			
	Endangered Plant Species List	2 NCAC 48F .0301	Amend
	Threatened Plant Species List	2 NCAC 48F .0302	Amend
	Plant Species	2 NCAC 48F .0304	Amend
	Collection & Sale of Ginseng	2 NCAC 48F .0305	Amend
	Collection & Sale of Venus Flytrap	2 NCAC 48F .0306	Amend
DHR/CHILD DAY CARE COMMISSION			
	General Safety Requirements	10 NCAC 3U .0604	Amend
	In-Service Training	10 NCAC 3U .0707	Amend
DEPARTMENT OF INSURANCE			
	Officers	11 NCAC 8 .1001	Adopt
	Meetings	11 NCAC 8 .1002	Adopt
	Persons and Practices	11 NCAC 8 .1003	Adopt
	Equivalent Experience	11 NCAC 8 .1004	Adopt
	Reciprocity	11 NCAC 8 .1005	Adopt
	Net Assets	11 NCAC 8 .1006	Adopt

Examination	11 NCAC 8 .1007	Adopt
Applications for Licenses	11 NCAC 8 .1008	Adopt
Display of License	11 NCAC 8 .1009	Adopt
Appeals of Denials	11 NCAC 8 .1010	Adopt
Fee Schedule	11 NCAC 8 .1011	Adopt
Definitions	11 NCAC 8 .1101	Adopt
Standards of Practice	11 NCAC 8 .1102	Adopt
Purpose and Scope	11 NCAC 8 .1103	Adopt
General Limitations	11 NCAC 8 .1104	Adopt
General Exclusions	11 NCAC 8 .1105	Adopt
Structural Components	11 NCAC 8 .1106	Adopt
Exterior	11 NCAC 8 .1107	Adopt
Roofing	11 NCAC 8 .1108	Adopt
Plumbing	11 NCAC 8 .1109	Adopt
Electrical	11 NCAC 8 .1110	Adopt
Heating	11 NCAC 8 .1111	Adopt
Central Air Conditioning	11 NCAC 8 .1112	Adopt
Interiors	11 NCAC 8 .1113	Adopt
Insulation and Ventilation	11 NCAC 8 .1114	Adopt
Built-In Kitchen Appliances	11 NCAC 8 .1115	Adopt
Code of Ethics	11 NCAC 8 .1116	Adopt
Definitions	11 NCAC 8 .1201	Adopt
Complaints	11 NCAC 8 .1202	Adopt
Board Staff	11 NCAC 8 .1203	Adopt
Investigation	11 NCAC 8 .1204	Adopt
Disciplinary Hearing	11 NCAC 8 .1205	Adopt
Presiding Officer	11 NCAC 8 .1206	Adopt
Prehearing Conference	11 NCAC 8 .1207	Adopt
Consent Agreement	11 NCAC 8 .1208	Adopt
Final Board Order	11 NCAC 8 .1209	Adopt
Consent to Rate Procedures	11 NCAC 10 .0602	Amend
Consent to Rate Procedures	11 NCAC 10 .0603	Amend
Consent to Rate Procedures	11 NCAC 10 .0606	Adopt
Applicability	11 NCAC 11F .0401	Adopt
Definitions	11 NCAC 11F .0402	Adopt
Basic and Premium Deficiency	11 NCAC 11F .0403	Adopt
Calculation	11 NCAC 11F .0404	Adopt
Calculation	11 NCAC 11F .0405	Adopt
Viatical Settlement Providers	11 NCAC 12 .1702	Amend

DEHNR/WILDLIFE RESOURCES COMMISSION

No Wake Zone-Atlantic Beach	15A NCAC 10F .0302	Amend
No Wake Zone-Iredell County	15A NCAC 10F .0307	Amend

N.C. BOARD OF NURSING

Students	21 NCAC 36 .0320	Amend
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N.C. BOARD OF PHARMACY

Definitions	21 NCAC 46 .1317	Amend
Registration and Permits	21 NCAC 46 .1401	Amend
Supervision of Drugs	21 NCAC 46 .1402	Repeal
Institutional Pharmacy	21 NCAC 46 .1403	Repeal
Medication	21 NCAC 46 .1404	Repeal
Automatic Stop Orders	21 NCAC 46 .1406	Repeal
Institutional Discharge	21 NCAC 46 .1408	Repeal
Personnel	21 NCAC 46 .1410	Adopt
Responsibilities	21 NCAC 46 .1411	Adopt
Physical Requirements	21 NCAC 46 .1412	Adopt

Absence of Pharmacist	21 NCAC 46 .1413	Adopt
Drug Distribution	21 NCAC 46 .1414	Adopt
Medication	21 NCAC 46 .1415	Adopt
Repackaging	21 NCAC 46 .1416	Adopt
When Permits Required	21 NCAC 46 .1603	Amend
Transfer of Permits	21 NCAC 46 .1604	Amend
Dispensing by Registered Nurse	21 NCAC 46 .1701	Repeal
Drugs to be Dispensed	21 NCAC 46 .1703	Amend
Prepackaging	21 NCAC 46 .1704	Repeal
Records of Dispensing	21 NCAC 46 .1705	Repeal
Changes in Prescription Orders	21 NCAC 46 .1812	Adopt
Orders	21 NCAC 46 .2602	Amend
Rehabilitation Equipment	21 NCAC 46 .2609	Amend
Medical Equipment	21 NCAC 46 .2611	Adopt

RULES REVIEW OBJECTIONS

ACUPUNCTURE LICENSING BOARD

<i>21 NCAC 1 .0706 - Continuances</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>21 NCAC 1 .0707 - Disqualification for Personal Bias</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>

COMMUNITY COLLEGES

<i>23 NCAC 2C .0304 - Student Loan Funds for Vocational and Technical Education</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>23 NCAC 2E .0203 - Standards for Technical-Vocational Curriculums</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Management

<i>15A NCAC 7M .0403 - Policy Statements</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>

Commission for Health Services

<i>15A NCAC 18A .0134 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0168 - Single-Service Containers</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0176 - Pasteurization of Crustacea Meat</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0182 - Bacteriological and Contamination Standards</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0183 - Alternative Labeling</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0185 - Thermal Processing of Crustacea and Crustacea Meat</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0187 - Interfacility Thermal Processing Procedures</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0301 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0421 - Daily Record</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0614 - Containers</i>	<i>RRC Objection</i>	<i>12/19/96</i>

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0618 - Heat Shock Method of Preparation of Shellfish</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0621 - Recall Procedure</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .0901 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .1301 - Definitions</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>15A NCAC 18A .1319 - Bedroom and Lobby Furnishings</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>

HUMAN RESOURCES

Facility Services

<i>10 NCAC 3R .3030 - Facility and Service Need Determinations</i>	<i>RRC Objection</i>	<i>10/17/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>11/21/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>02/20/97</i>
<i>10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
<i>10 NCAC 3R .3034 - Heart-Lung Bypass Mch. Need Det./New Open Heart Sgy. Svcs.</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
<i>10 NCAC 3R .3035 - Heart-Lung Bypass Mch. Need Det./Existing Open Heart Sgy. Svcs.</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
<i>10 NCAC 3R .3036 - Cardiac Catheterization Eqpt Need Det./New Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
<i>10 NCAC 3R .3037 - Cardiac Catheterization Eqpt Need Det./Existing Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
<i>10 NCAC 3R .3038 - Cardiac Angioplasty Eqpt Need Det./New Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>
<i>10 NCAC 3R .3039 - Cardiac Angioplasty Eqpt Need Det./Existing Providers</i>	<i>RRC Objection</i>	<i>01/16/97</i>
	<i>Obj. Cont'd</i>	<i>02/20/97</i>

Mental Health: Other Programs

<i>10 NCAC 18W .0201 - Scope</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>10 NCAC 18W .0203 - General Provisions</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>10 NCAC 18W .0205 - Emotional, Mental or Neurological Handicap Defined</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>10 NCAC 18W .0211 - Needs Assessment</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>10 NCAC 18W .0214 - Area Program Requirements</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>10 NCAC 18W .0215 - Division Requirements</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>
<i>10 NCAC 18W .0218 - Contested Case Hearings</i>	<i>RRC Objection</i>	<i>01/16/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/20/97</i>

REAL ESTATE COMMISSION

<i>21 NCAC 58A .0302 - Filing and Fees</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>21 NCAC 58A .1501 - Licensing and General Brokerage Forms</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>21 NCAC 58A .1502 - Forms for Education Program</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>

REVENUE

<i>17 NCAC 5C .0102 - Doing Business Defined</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>12/19/96</i>
<i>Rule Returned to Agency</i>		<i>01/16/97</i>

TRANSPORTATION

Division of Motor Vehicles

<i>19A NCAC 3E .0403 - License Period for Trailer Plate</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/16/97</i>
<i>19A NCAC 3J .0306 - Course of Instruction</i>	<i>RRC Objection</i>	<i>02/20/97</i>
<i>19A NCAC 3J .0307 - Student Requirements</i>	<i>RRC Objection</i>	<i>02/20/97</i>
<i>19A NCAC 3J .0308 - Reports to be Submitted</i>	<i>RRC Objection</i>	<i>02/20/97</i>

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Meg Scott Phipps

Robert Roosevelt Reilly Jr.
Dolores O. Smith
Thomas R. West

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ADMINISTRATION				
Douglas J. Register v. Department of Administration	96 DOA 0172	Reilly	08/16/96	
<i>Purchase and Contract</i>				
Budd Seed, Inc. v. Department of Administration	96 DOA 0281	Chess	09/19/96	
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Osama Arafat Sadar v. Alcoholic Beverage Control Commission	95 ABC 0721	Gray	07/09/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	95 ABC 0883*7	Gray	07/10/96	
Cole Entertainment, Inc. v. Alcoholic Beverage Control Commission	95 ABC 0917	West	08/21/96	11:12 NCR 1027
Fuad Saif Murshed v. Alc. Bev. Ctl. Comm. & Durham Mem. Bapt. Ch.	95 ABC 0922	Chess	04/24/96	
Alcoholic Beverage Control Commission v. Tremik, Inc.	95 ABC 0925	Morrison	03/25/96	
City of Raleigh v. Alcoholic Beverage Control Commission and	95 ABC 1143	Morrison	11/08/96	11:17 NCR 1362
Marshall Stewart, III, Robert David Park, and Park Stewart Inc.				
Alcoholic Beverage Control Commission v. Maria Virginia Tramontano	95 ABC 1200	West	04/23/96	
Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.	95 ABC 1251	West	04/03/96	11:03 NCR 166
Pinakin P. Talate v. Alcoholic Beverage Control Commission	95 ABC 1329	West	04/10/96	
Alcoholic Beverage Control Commission v. Entrepreneur, Inc.	95 ABC 1363	Reilly	05/02/96	
Alcoholic Beverage Control Commission v. Zell, Inc.	95 ABC 1366	West	06/17/96	
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus	95 ABC 1389	West	04/01/96	
Andrew Parker v. Alcoholic Beverage Control Commission	95 ABC 1402	Phipps	03/27/96	
Barraq Sabri Alquza v. Alcoholic Beverage Control Commission	95 ABC 1424	Phipps	04/03/96	
Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries	95 ABC 1443	West	03/26/96	
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.	95 ABC 1444	Gray	03/13/96	
Alcoholic Beverage Control Commission v. E.K.'s II, Inc. Carl E. Collins	95 ABC 1458	Chess	08/12/96	
Bro Bee, Inc. v. Alcoholic Beverage Control Commission	95 ABC 1480	West	04/15/96	
Alcoholic Beverage Control Commission v. Donald Ray Doak	95 ABC 1488	West	03/29/96	
Alcoholic Beverage Control Commission v. Janice Lorraine Jeter	96 ABC 0013	Reilly	04/26/96	
Alcoholic Beverage Control Commission v. Well Informed, Inc.	96 ABC 0016	Chess	05/28/96	
Alcoholic Beverage Control Commission v. Kubbard, Inc.	96 ABC 0017	Reilly	05/20/96	
Alcoholic Beverage Control Commission v. Stemmermans's, Inc.	96 ABC 0018	Chess	05/28/96	

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George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.	96 ABC 0058	Becton	04/16/96	
Alcoholic Beverage Control Commission v. Bayron Green	96 ABC 0097	Becton	08/23/96	
Alcoholic Beverage Control Commission v. Circle K Stores, Inc.	96 ABC 0134	Gray	11/06/96	
Alcoholic Beverage Control Commission v. Robert Montgomery McKnight	96 ABC 0135	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Cadillacs Discotheque, Inc.	96 ABC 0136	Phipps	12/04/96	
Gerald Audry Sellars v. Alcoholic Beverage Control Commission	96 ABC 0160	Becton	06/25/96	11:08 NCR 564
Alcoholic Beverage Control Commission v. Jacqueline Robin Anthony	96 ABC 0184	Phipps	05/09/96	
Alcoholic Beverage Control Commission v. Factory Night Club, Inc.	96 ABC 0226	Phipps	08/02/96	
Alcoholic Beverage Control Commission v. C.N.H. Enterprises, Inc.	96 ABC 0232	Becton	07/09/96	
Alcoholic Beverage Control Commission v. Millicent J. Green	96 ABC 0234	Smith	06/13/96	
Ghassan Hasan Issa v. Alcoholic Beverage Control Commission	96 ABC 0256	Morrison	05/23/96	
Alcoholic Beverage Control Commission v. Abdelhakeem Muraweh Saleh	96 ABC 0381	Chess	08/27/96	
Alcoholic Beverage Control Commission v. Triangle Drive-In	96 ABC 0443	Reilly	06/11/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0447	Morrison	08/30/96	11:13 NCR 1085
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0448	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0449	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0450	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Giles Rozier	96 ABC 0473	Morrison	09/19/96	
Alcoholic Beverage Control Commission v. Clifton Franklin Smith	96 ABC 0474	Reilly	08/12/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 0482	Morrison	10/18/96	
Dilthra Smith Patton v. Alcoholic Beverage Control Commission	96 ABC 0505	Morrison	08/06/96	
Virginia Caporal v. Alcoholic Beverage Control Commission	96 ABC 0507	Becton	10/04/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	96 ABC 0526*7	Gray	07/10/96	
Alcoholic Beverage Control Commission v. Chae Ypo Chong	96 ABC 0530	Morrison	10/29/96	
Alcoholic Beverage Control Commission v. Albert S. Carter	96 ABC 0534	Morrison	08/05/96	
Alcoholic Beverage Control Commission v. Taleb Abed Rahman	96 ABC 0551	West	11/14/96	
Alcoholic Beverage Control Comm. v. Centergrove Entertainment Ent.	96 ABC 0583	Reilly	08/12/96	
Michael L. Harris D/B/A Big House Inc. v. Alcoholic Beverage Control	96 ABC 0680	Phipps	02/12/97	
Joseph Marcel Etienne v. Alcoholic Beverage Control Commission	96 ABC 0718	Phipps	10/17/96	
Alcoholic Beverage Control Commission v. Jesse Smith	96 ABC 0804	Gray	11/19/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0858	Morrison	11/21/96	
Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0859	Morrison	11/21/96	
Louis Corpening v. Alcoholic Beverage Control Commission	96 ABC 0985	Gray	09/26/96	
Alcoholic Beverage Control Commission v. Joyce N. Capra	96 ABC 1060	Reilly	11/15/96	
HARB Inc. v. Alcoholic Beverage Control Commission	96 ABC 1124	Phipps	10/23/96	
Alcoholic Beverage Control Commission v. Warner Enterprises, Inc.	96 ABC 1315	Gray	01/30/97	11:23 NCR 1801
Alcoholic Beverage Control Commission v. James Ramsey, Jr.	96 ABC 1317	Gray	02/03/97	
Alcoholic Beverage Control Commission v. Russell Bernard Speller	96 ABC 1394	Smith	12/20/96	
Alcoholic Beverage Control Comm. v. Ptnrshp.,T/A Blue Front Groc.	96 ABC 1469	Smith	12/09/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 1584	Gray	02/12/97	
Alcoholic Beverage Control Commission v. Anthony Jerome Foster	96 ABC 1587	Reilly	01/29/97	
Alcoholic Beverage Control Comm. v. Park Entertainment, Inc.	96 ABC 1928	Smith	02/06/97	

COMMISSION FOR AUCTIONEERS

John W. Foster v. Auctioneer Licensing Board	96 CFA 0201	Phipps	05/06/96
Barry G. York v. Auctioneer Licensing Board	96 CFA 0297	Smith	10/18/96

DEPARTMENT OF CORRECTION

James J. Lewis v. Department of Correction	96 DOC 0772	West	09/05/96
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CRIME CONTROL AND PUBLIC SAFETY

Roland Lee Kelly, Jr. v. United Family Services, Victim Assistance/Crime Victims Compensation Comm.	95 CPS 0568	Morrison	05/29/96	
Robert F. Bronsdon v. Crime Victims Compensation Commission	95 CPS 1216	Chess	05/28/96	
Helen B. Hunter-Reid v. Crime Victims Compensation Commission	95 CPS 1336	Smith	03/29/96	11:02 NCR 93
Deborah C. Passarelli v. Crime Victims Compensation Commission	95 CPS 1399	Reilly	07/18/96	11:09 NCR 814
Kenneth Saunders v. Victims Compensation Commission	95 CPS 1445	Chess	03/26/96	
Franklin McCoy Jones v. Crime Victims Compensation Commission	96 CPS 0056	Smith	07/03/96	
Ruby H. Ford v. Crime Victims Compensation Commission	96 CPS 0110	Reilly	04/18/96	
Manuel Cervantes v. Victims Compensation Fund	96 CPS 0118	Chess	03/19/96	
Sheila Carol Blake v. Victims Compensation Commission	96 CPS 0280	West	07/10/96	
James T. Mungo v. Victims Compensation Commission	96 CPS 0333	Reilly	07/09/96	
Jerome Crutchfield v. CPS, Victims Compensation Commission	96 CPS 0340	Phipps	09/05/96	
William Theodore Frazier v. Crime Victims Compensation Commission	96 CPS 0435	Chess	08/22/96	
Emma Coble v. Crime Victims Compensation Commission	96 CPS 0468	Chess	09/25/96	

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Donna Williams v. Crime Victims Compensation Commission	96 CPS 0493	Morrison	06/13/96	
Daisy Reid v. Crime Victims Compensation Commission	96 CPS 0499	West	11/18/96	
Earlie McLaurin, Jr. Delano McLaurin, Sr v. Crime Victims Comp Comm	96 CPS 0639	West	01/21/97	
Anthony P. Dawkins v. Crime Victims Compensation Commission	96 CPS 0716	Reilly	08/16/96	
Judy Worley Milam v. Crime Victims Compensation Commission	96 CPS 0717	Gray	11/21/96	
James A. Cherry v. Crime Control & Public Safety	96 CPS 0793	Phipps	01/17/97	
Shirley M. King v. Crime Victims Compensation	96 CPS 0802	West	08/08/96	
Mark Matthews for Child Victim v. Crime Victims Compensation Comm.	96 CPS 0832	Becton	08/20/96	
Clara Durham v. Victims Compensation	96 CPS 0906	Phipps	09/23/96	
George Battle, Jr. v. Crime Control & Public Safety	96 CPS 1006	Phipps	01/17/97	
Shawn P. Saddler v. Victims Compensation Commission	96 CPS 1109	Morrison	01/02/97	
David Carl Anderson v. Crime Victims Compensation Commission	96 CPS 1409	Smith	11/25/96	
Douglas Alan West v. Crime Victims Compensation Commission	96 CPS 1888	West	01/03/97	

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Gribble & Assoc. & Four Seasons Car Wash v. EHNR	95 EHR 0576	Gray	04/25/96	
Webster Environmental Inc. v. EHNR, Asbestos Hazard Mgmt. Branch	95 EHR 0647	Becton	01/24/97	
Wilton Evans v. Environment, Health, & Natural Resources	95 EHR 0843	Reilly	07/17/96	
David Martin Shelton v. Rockingham County Dept/Public Health, EHNR	95 EHR 0941	West	05/01/96	
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1198*2	Smith	03/27/96	11:02 NCR 97
Kinston Urological Associates, P.A. v. N.C. Cancer Program	95 EHR 1199*2	Smith	03/27/96	11:02 NCR 97
Elsie & Tony Cecchini v. Environment, Health, & Natural Resources	95 EHR 1240	Reilly	04/22/96	
United Organics Corporation v. Environment, Health, & Natural Res.	96 EHR 0064	Smith	07/01/96	
Gerald Mac Clamrock v. Environment, Health, & Natural Resources	96 EHR 0168	Phipps	05/06/96	
Phillip T. Goetz v. Carteret County Health Center	96 EHR 0596	Smith	01/23/97	
John Milazzo v. Environment, Health, & Natural Resources	96 EHR 0644	Reilly	08/13/96	
Wayne Marshall, Pres. Metro Area Dev., Inc. v. EHNR	96 EHR 0826	West	10/01/96	
David J. Mohn v. Environment, Health, & Natural Resources	96 EHR 0947	Smith	10/04/96	
Robert D. Smith v. Brunswick County Health Dept., Bolivia, NC	96 EHR 1057	Chess	02/04/97	
Elizabeth Shepard Covin v. Environment, Health, & Natural Resources	96 EHR 1258	Becton	01/14/97	
The Papco Group, Inc. v. Forsyth County Environmental Affairs Dept	96 EHR 1293	Chess	02/17/97	
Reuben Massey v. Environment, Health, and Natural Resources	96 EHR 1301	Reilly	12/18/96	
Joseph London v. Environment, Health, and Natural Resources	96 EHR 1397	Reilly	12/10/96	

Coastal Resources

Martin W. Synger v. Division of Coastal Management	95 EHR 1006	Chess	05/13/96	
J. E. Smith Construction Co. v. Division of Coastal Management	96 EHR 0074	Smith	02/23/96	
Theodore D. Barris v. Town of Long Beach, NC & Coastal Mgmt, EHNR	96 EHR 0277	West	05/09/96	

Environmental Health

Forest Gate Motel v. Environment, Health, and Natural Resources	96 EHR 0076	West	06/17/96	
Paradise Ridge Home Owners by Anne Norburn v. EHNR, Env. Health	96 EHR 0162	Phipps	05/06/96	
Zack Diakogiannis v. EHNR, Division of Environmental Health	96 EHR 0768	Gray	01/08/97	

Environmental Management

Frank A. Corriher & Sons Well Drilling, Inc. v. Env. Mgmt., EHNR	95 EHR 0048	Phipps	09/20/96	11:14 NCR 1191
North Buncombe Assoc of Concerned Citizens v. Env. Mgmt. EHNR	95 EHR 0108	Chess	02/03/97	11:24 NCR 1866
Ford Motor Company v. EHNR, Division of Environmental Management	95 EHR 0588	Smith	12/20/96	
Herman E. Smith v. Division of Environmental Management	95 EHR 0962	West	04/30/96	
Lake Summit Property Owners Assoc. v. EHNR, Environmental Mgmt.	95 EHR 1022	Reilly	12/30/96	
Conover Lumber Co., Inc. v. EHNR, Division of Environmental Mgmt.	95 EHR 1081	Reilly	04/12/96	
City of Reidsville, a Municipal Corp. v. EHNR, Environmental Mgmt.	95 EHR 1335	Gray	10/01/96	11:15 NCR 1249
Jack West d/b/a Jack West Tree Service v. Environmental Mgmt. Comm.	95 EHR 1421	Morrison	04/08/96	
The Smithfield Packing Co., Inc., v. EHNR, Environmental Mgmt. and Citizens for Clean Industry, Inc. and Bladen Environment	95 EHR 1474	West	07/03/96	
Commscope, Inc. v. EHNR, Division of Environmental Management	96 EHR 0078	Gray	12/23/96	
Stephen L. Reedy v. EHNR, Division of Environmental Management	96 EHR 0181	Gray	12/16/96	
Rayco Utilities, Inc. v. EHNR, Division of Environmental Management	96 EHR 0367	Becton	10/04/96	
Clover M Farms, Inc. v. EHNR, Division of Environmental Management	96 EHR 0405	Becton	06/10/96	
Providence Glen Associates v. Environmental Management, EHNR	96 EHR 0648	Becton	08/12/96	
Overcash Gravel & Grading Co., Inc. v. Division of Environmental Mgmt	96 EHR 0990	West	10/29/96	

Land Resources

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K&G Properties, Inc. v. EHNR, Division of Land Resources	95 EHR 1078	Smith	03/25/96	
<i>Marine Fisheries</i>				
Robert I. Swinson, Sr. v. EHNR, Health & Nat. Res., Marine Fisheries	95 EHR 0320	Chess	03/29/96	11:03 NCR 168
Grayden L. Fulcher and Michael Styron, Sr. v. Div. of Marine Fisheries	96 EHR 0003	Reilly	03/06/96	
Johnny R. Stotesberry v. Marine Fisheries Commission	96 EHR 0072	Gray	08/19/96	11:11 NCR 955
Julian G. Gilgo v. Environment, Health, and Natural Resources	96 EHR 0692	West	12/06/96	11:19 NCR 1530
<i>Radiation Protection</i>				
Marsha L. Powell v. EHNR, Division of Radiation Protection	96 EHR 1116	Smith	10/10/96	
Nancy S. Webb v. EHNR, Division of Radiation Protection	96 EHR 1131	Gray	10/23/96	
Olivia Joyce Foushee v. EHNR, Division of Radiation Protection	96 EHR 1221	Chess	01/31/97	
<i>Waste Management</i>				
R. Donald Phillips v. EHNR, Solid Waste Management Division	95 EHR 1190**	Gray	05/22/96	
R. Donald Phillips v. EHNR, Solid Waste Management Division	96 EHR 0554**	Gray	05/22/96	
GRACE and Margaret L. Caudle-Beck v. EHNR, Solid Waste Mgmt	96 EHR 1125	Phipps	12/06/96	
GRACE and Margaret L. Caudle-Beck v. EHNR, Solid Waste Mgmt	96 EHR 1125	Phipps	02/18/97	
<i>Water Quality</i>				
Ben Moses v. EHNR, Division of Water Quality	96 EHR 1085	Phipps	01/21/97	
<i>WIC Program</i>				
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Hani Sader v. Nutrition Services, Div/Maternal & Child Health, EHNR	96 EHR 0054	West	05/22/96	
Bob's Quick Mart, Bobby D. Braswell v. Env., Health, & Natural Res.	96 EHR 0091	Smith	04/02/96	
Larry E. Mis v. USDA-Food/Cons Svc, Cory Menees-WIC Prog., EHNR	96 EHR 0164	Phipps	03/19/96	
Naser H. Hammad v. Dept. of Environment, Health, & Natural Resources	96 EHR 0632	Reilly	07/09/96	
Jamil M. Saleh v. Dept. of Environment, Health, & Natural Resources	96 EHR 0634	Phipps	09/04/96	
Khaled M. Alzer v. Dept. of Environment, Health, & Natural Resources	96 EHR 0721	Reilly	07/30/96	
EQUAL EMPLOYMENT OPPORTUNITIES				
Marsha Dianne McKoy v. DHR, DMH/DD/SAS, Caswell Center	90 EEO 0379	Chess	10/08/96	
Carl D. Davis v. Department of Correction	91 EEO 1101	Smith	05/06/96	
HUMAN RESOURCES				
Cassandra M. Deshazo v. Christine E. Carroll, Chf Chld Abuse/Neg. Sec.	95 DHR 1410	Phipps	03/28/96	
Medicus Robinson v. Department of Human Resources	96 DHR 0167	Smith	04/12/96	
Linda Gabriel Wallace v. Charlotte Health Care Center	96 DHR 1544	Phipps	01/23/97	
<i>Division of Child Development</i>				
Molly Fallin v. Department of Human Resources	94 DHR 0872**	Gray	05/15/96	
Molly Fallin v. Department of Human Resources	95 DHR 1013**	Gray	05/15/96	
Mary T. Hill v. DHR, Division of Child Development	95 DHR 1192	Phipps	03/27/96	
Iola Roberson v. DHR, Division of Child Development	95 DHR 1244	Gray	05/16/96	
Zannie M. Allen v. DHR, Division of Child Development	96 DHR 0304	Gray	08/15/96	
Mt. Pleasant Church v. DHR, Division of Child Development	96 DHR 0720	Gray	11/19/96	
Yvette Nivens v. DHR, Division of Child Development	96 DHR 1161	Morrison	11/19/96	
Sarah M. Carr, CSWM v. DHR, Division of Child Development	96 DHR 2089	Smith	02/11/97	
<i>Division of Facility Services</i>				
Eloise Brown v. Dept. of Human Resources, Division of Facility Services	95 DHR 1002	Phipps	03/07/96	
Harry Martin Bastian v. DHR, Division of Facility Services	96 DHR 0287	West	08/21/96	
Kelly Thomas v. DHR, Division of Facility Services	96 DHR 0670	Becton	01/29/97	11:23 NCR 1803
Community Care #2 v. DHR, Division of Facility Services	96 DHR 0934	Becton	10/16/96	
Community Care #4 v. DHR, Division of Facility Services	96 DHR 0935	Becton	10/16/96	
Billie Mitchell v. Department of Human Resources (DFS)	96 DHR 0975	Phipps	01/02/97	
Jo Ann Boyd Capps v. DHR, Division of Facility Services	96 DHR 1115	Gray	12/12/96	
Peggy Murray v. DHR, Division of Facility Services	96 DHR 1531	Smith	01/31/97	

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Richard Joseph Bisciaio v. DHR, (Nurse Aide Registry) Div/Facility Svcs	96 DHR 1971	West	02/24/97	
Gloria J. Butler v. DHR, Division of Facility Services	96 DHR 2113	West	01/31/97	
<i>Certificate of Need Section</i>				
Nash Hospitals, Inc. v. DHR, Div/Facility Services, Cert. of Need Sect.	95 DHR 1176* ⁵	Phipps	05/23/96	11:06 NCR 389
Pitt Cty Mem. Hospital, Inc. v. DHR, Div/Facility Svcs, Cert/Need Sect.	95 DHR 1177* ⁵	Phipps	05/23/96	11:06 NCR 389
Tar Heel Home Health, Inc. v. DHR, Div/Facility Svcs, Cert/Need Sect.	96 DHR 0513	Morrison	01/22/97	11:22 NCR 1761
<i>Group Care Licensure Section</i>				
Alex L. McCall v. DHR, Div/Facility Svcs, Group Care Licensure Sec.	95 DHR 1456	Smith	03/26/96	
DHR, Facility Services, Group Care Licensure Sect. v. Petrova Evans	96 DHR 0544	Phipps	08/21/96	
Leola Barnes, Shaw Family Care v. DHR, Fac Svcs, Group Care Lic.	96 DHR 0626	West	10/01/96	
Gracelane Rest Home v. Group Care Lic. Section, Div. of Soc. Svcs.	96 DHR 0944	Becton	10/16/96	
<i>Medical Facilities Licensure Section</i>				
Deborah Reddick v. Department of Human Resources	96 DHR 0240	Reilly	06/18/96	
Stacey Yvette Franklin v. Facility Services, Medical Facilities Lic. Sec.	96 DHR 0358	Morrison	05/16/96	
<i>Division of Medical Assistance</i>				
Judy Malcuit, Re Melissa Malcuit v. DHR, Div. of Medical Assistance	96 DHR 0129	Gray	06/12/96	
Durham Reg. Hspital, Behavioral Hlth Svcs. v. Medical Assistance, DHR	96 DHR 0637	West	09/20/96	
Jerry Heath v. DHR, Division of Medical Assistance	96 DHR 0752	Chess	10/07/96	
<i>Division of Social Services</i>				
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Rozena Chambliss v. Department of Human Resources	95 DHR 1044	Smith	03/12/96	
Addie & Major Short v. Department of Human Resources	95 DHR 1063	Morrison	03/19/96	
Mr. and Mrs. Jessie Stevenson v. DHR, Division of Social Services	95 DHR 1072	Phipps	03/15/96	
William G. Fisher v. DHR, Div. of Social Services, Prog Integrity Branch	95 DHR 1234	Morrison	03/19/96	
Verna F. Nunn v. Department of Human Resources	95 DHR 1330	Gray	04/11/96	
Nancy Hooker, Helen Tyndall v. Department of Human Resources	96 DHR 0155	Gray	04/26/96	
Monica Ferrari and Justin Ferrari v. Pender County DSS	96 DHR 1425	Morrison	12/13/96	
Monica Ferrari and Justin Ferrari v. New Hanover County DSS	96 DHR 1471	Morrison	12/13/96	
<i>Child Support Enforcement Section</i>				
Donald E. Rideout Jr. v. Department of Human Resources	95 CSE 0952	Reilly	04/18/96	
Christopher F. Roakes v. Department of Human Resources	95 CSE 1131	Becton	05/03/96	
Claude Eure Jr. v. Department of Human Resources	95 CSE 1155	Phipps	06/12/96	
Richard R. Fox, Sr. v. Department of Human Resources	95 CSE 1169	Becton	03/19/96	
Joselito D. Pilar v. Department of Human Resources	95 CSE 1180	Chess	03/01/96	
David Lee Grady v. Department of Human Resources	95 CSE 1218	Morrison	03/26/96	
Patrick Orlando Crump v. Department of Human Resources	95 CSE 1221	Smith	03/05/96	
Peter Robert Kovolsky v. Department of Human Resources	95 CSE 1230	Becton	03/11/96	
Tony Lee Zapata v. Department of Human Resources	95 CSE 1266	Gray	05/02/96	
Lawrence Dow Dean v. Department of Human Resources	95 CSE 1267	Morrison	03/29/96	
Carl E. Coffey v. Department of Human Resources	95 CSE 1270	Smith	03/15/96	
Keith Dewayne Senters v. Department of Human Resources	95 CSE 1273	Phipps	04/01/96	
Lonnie Dawes v. Department of Human Resources	95 CSE 1274	Smith	06/12/96	
Mickey Turner v. Department of Human Resources	95 CSE 1278	Smith	03/14/96	
James Joseph Gallagher v. Department of Human Resources	95 CSE 1280	Chess	03/19/96	
James Thomas McRae v. Department of Human Resources	95 CSE 1296	Chess	03/15/96	
Vincent E. Koehler v. Department of Human Resources	95 CSE 1301	Phipps	05/09/96	
David J. Moseley v. Department of Human Resources	95 CSE 1304	Chess	03/29/96	
Derrick L. Conyers v. Department of Human Resources	95 CSE 1308	Reilly	03/13/96	
Charles Edward Smith v. Department of Human Resources	95 CSE 1309	West	03/07/96	
Kevin Vereen v. Department of Human Resources	95 CSE 1315	Phipps	05/06/96	
James Curtis Witwer v. Department of Human Resources	95 CSE 1331	Becton	03/26/96	
Thornell Bowden v. Department of Human Resources	95 CSE 1345	Morrison	03/07/96	
Herbert W. Donahue Jr. v. Department of Human Resources	95 CSE 1346	Reilly	11/15/96	
Henry S. Sada v. Department of Human Resources	95 CSE 1367	Smith	03/21/96	
Charles F. Moore v. Department of Human Resources	95 CSE 1369	Chess	03/27/96	
Daniel Leslie Baker v. Department of Human Resources	95 CSE 1373	Morrison	03/12/96	

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John L. Pike v. Department of Human Resources	95 CSE 1376	Smith	03/21/96	
Wm. R. Evans v. Department of Human Resources	95 CSE 1377	Becton	03/11/96	
Rory J. Curry v. Department of Human Resources	95 CSE 1380	Mann	03/15/96	
Lorin A. Brown v. Department of Human Resources	95 CSE 1382	Reilly	04/18/96	
Marcus Anthony Butts v. Department of Human Resources	95 CSE 1405	Smith	03/27/96	
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King Sanders Jr. v. Department of Human Resources	96 CSE 0581	Phipps	08/22/96	
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Mark Allen Rose Sr. v. Department of Human Resources	96 CSE 0732	Morrison	09/30/96	
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Robert A. Green v. Department of Human Resources	96 CSE 1437* ¹²	Gray	12/12/96	
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Joseph J. Dunn v. Department of Human Resources	96 CSE 1771* ¹⁴	Mann	02/03/97	
Gregory S. Wolbert v. Department of Human Resources	96 CSE 1783	Mann	02/10/97	
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Richard A. Patton Jr. v. Department of Human Resources	96 CRA 1354* ¹⁸	Reilly	02/06/97	
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Roger W. Taylor v. Department of Human Resources	96 CRA 1478	Mann	01/10/97	
William D. Wall v. Child Support Enforcement	96 CRA 1481* ²²	Morrison	02/18/97	
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Michael E. Kimbriel v. Child Support Agency Buncombe County	96 CRA 1666	Smith	01/14/97	
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James Robert Liles v. Department of Human Resources	96 CRA 1678	Chess	02/18/97	
Tommy Allen Springs v. Forsyth Cty Dept. of Social Services	96 CRA 1733	Becton	02/06/97	
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Charles John Widelski v. Department of Human Resources	96 CRA 1765	Reilly	02/06/97	
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Amanda F. Blount v. Cumberland Cty Child Support Enforcement	96 CRA 1790	West	02/10/97	
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Carol M. Hall v. Teachers & State Employees Comp. Major Medical Plan	95 INS 1141	Phipps	04/01/96	
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Deborah B. Beavers v. Teachers & St. Emp. Comp. Major Med. Plan	95 INS 1411	Smith	05/10/96	11:05 NCR 308
Nadia A. Hakim v. Department of Insurance	95 INS 1422	Smith	03/26/96	

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Nancy C. Lowe v. Teachers & State Employees Comp. Major Med. Plan	96 INS 0726	West	11/20/96	
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Wendy Atwood v. Department of Justice (Company Police Program)	96 DOJ 0111	Chess	08/07/96	
Deborah K. Torrance v. Company Police Program Administrator	96 DOJ 0363	Becton	08/14/96	
John O. Beach v. Alarm Systems Licensing Board	96 DOJ 1362	West	11/19/96	
Ronald R. Coats v. Alarm Systems Licensing Board	96 DOJ 1364	Phipps	11/26/96	
<i>Education and Training Standards Division</i>				
Freddie Levern Thompson v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 0731	Chess	02/29/96	
Shane Douglas Crawford v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 0943	Reilly	05/17/96	
Charles Henry Daniels v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1070	West	06/12/96	
Valerie Maxine Brewington v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1129	Smith	04/12/96	
Patricia Josephine Bonanno v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1152	Chess	03/25/96	
Douglas Allan Stuart v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1189	Morrison	06/06/96	
Rick M. Evoy v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1235	Chess	03/25/96	
Windell Daniels v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1320	Gray	07/24/96	
Gregory Lee Daughtridge v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0027	Reilly	03/19/96	
Sherrie Ann Gainey v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0028	Becton	08/09/96	
Stuart Hugh Rogers v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0029	West	06/18/96	
Brian Thomas Craven v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0036	Gray	07/09/96	
Larry D. Weston v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0037	Smith	06/12/96	
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0068	Gray	03/26/96	
Ken Montie Oxendine v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0071	West	03/28/96	
James Leon Hunt v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0077	Phipps	07/25/96	
David Kent Knight v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0115	West	03/28/96	
Demetrius Arnez Brown v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0138	Becton	08/09/96	
Claude F. Nunnery v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0305	Gray	08/28/96	
John Charles Maloney v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0306	Smith	08/16/96	
Jimmie L. Cooper v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0352	Morrison	07/12/96	
Jerry Glenn Monette v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0420	Morrison	07/26/96	11:10 NCR 874
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0432	Becton	08/07/96	
Woodrow Andrew Clark v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0515	West	10/07/96	
Warren Scott Nail v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0576	Becton	08/07/96	
Zoriana Lyczkowski v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0619	Morrison	10/21/96	
Philip A. Berezik, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0652	Reilly	11/13/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Morrison	08/02/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Phipps	01/28/97	
Glenn R. Brammer v. Sheriffs' Ed. & Training Standards Comm.	96 DOJ 0839	Smith	09/05/96	
Timothy Wayne Fulford v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0840	Smith	09/16/96	
Brent Lee Millsaps v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0841	Chess	09/24/96	
James Michael Doe v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0957	Phipps	12/06/96	
Charles M. Perry v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1016	Smith	01/22/97	
Gregory K. Knox v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 1836	Reilly	02/03/97	
Tyrone Sutton v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1837	Becton	02/17/97	
Bobby V. Hancock v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 1885	Becton	02/17/97	
<i>Private Protective Services Board</i>				
Timothy A. Hawkins v. Private Protective Services Board	95 DOJ 1419	West	04/12/96	
William F. Combs v. Private Protective Services Board	96 DOJ 0022	West	03/22/96	
Randy C. Hoyle v. Private Protective Services Board	96 DOJ 0024	Smith	06/10/96	
John Darrell Shaver v. Private Protective Services Board	96 DOJ 0127	Reilly	02/26/97	
Daniel Ray Williams v. Private Protective Services Board	96 DOJ 0128	Reilly	02/26/97	
Robert A. Gibson v. Private Protective Services Board	96 DOJ 0386	Smith	07/03/96	
Jimmy D. Matthews v. Private Protective Services Board	96 DOJ 0676	Reilly	07/11/96	
Johnnie Lee King v. Private Protective Services Board	96 DOJ 0677	Reilly	07/11/96	
Charlie C. Brackett v. Private Protective Services Board	96 DOJ 0712	Becton	02/03/97	
Thomas R. Harris v. Private Protective Services Board	96 DOJ 0761	Reilly	07/11/96	
Private Protective Services Board v. Henry E. Byrd, Jr.	96 DOJ 0796	Mann	08/19/96	
Larry Boggs v. Private Protective Services Board	96 DOJ 0797	Morrison	10/10/96	
Private Protective Services Board v. Charles T. Mathis	96 DOJ 0798	Mann	08/27/96	
Private Protective Services Board v. Ricky C. Mullinax	96 DOJ 0800	Becton	10/04/96	
Private Protective Services Board v. Michael A. Smith	96 DOJ 0801	Becton	10/09/96	

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Keith L. Saunders v. Private Protective Services Board	96 DOJ 1363	Smith	01/15/97	
MEDICAL BOARD				
Medical Board v. Martin A. Hatcher, M.D.	92 BME 0510	Gray	06/28/96	11:08 NCR 555
PUBLIC INSTRUCTION				
Lavern K. Suggs v. NC Board of Education	95 EDC 0383	Smith	03/13/96	11:01 NCR 50
V.A.A. and R.L.A. v. Johnston County School System	95 EDC 1024	Mann	02/11/97	11:24 NCR 1860
J.T.S. & T.S., Parents of E.M.S. v. Chapel Hill-Carrboro City Schl. Sys.	95 EDC 1194	Mann	04/12/96	
L.O. v. Charlotte-Mecklenburg Board of Education	96 EDC 0285	Mann	05/31/96	
Candyece Ewanda Newsome v. Hertford County Board of Education	96 EDC 0344	Chess	05/15/96	
W. and G.B., on Behalf of C.B. v. Winston-Salem/Forsyth Cty. Schools	96 EDC 0349	Mann	09/03/96	
Zelma J. Hillsman v. NC State Board of Education	96 EDC 0399	Phipps	01/27/97	11:23 NCR 1808
Cyvonne Rush Bryant v. NC State Board of Education	96 EDC 0591	Becton	09/11/96	
Steve Wright Brown v. State Board of Education	96 EDC 0593	Reilly	10/11/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0613	Chess	08/14/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0614	Chess	08/14/96	
John Barlow v. Watauga County Board of Education	96 EDC 0623	Reilly	07/24/96	
Louis Craig Gill v. State Board of Education	96 EDC 0675	Smith	12/18/96	11:20 NCR 1624
John L. Archer v. Department of Public Instruction	96 EDC 0678	Smith	08/02/96	
Pamela F. Cummings v. Department of Public Instruction	96 EDC 0742	Smith	08/16/96	
Susie Whitley/Brandon Whitley v. Charlotte-Mecklenburg Bd. of Ed	96 EDC 0964	Chess	09/17/96	
Michael Wayne Geter v. Charlotte-Mecklenburg School Board	96 EDC 1036	West	09/23/96	
Ted Louis Raye v. State Board of Education	96 EDC 1055	Morrison	01/10/97	
Felicia M. Moore v. Charlotte-Mecklenburg Schools & Dept of Public Ins.	96 EDC 1303	Smith	11/25/96	
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<i>Department of Administration</i>				
Jimmie A. Hughes, Jr. v. Department of Administration	96 OSP 0008	Reilly	07/23/96	
Jonathan L. Fann v. Department of Administration, Admin. Personnel	96 OSP 0042	Gray	05/24/96	
Carlton Gerald v. State Capitol Police, Department of Administration	96 OSP 0116	Gray	04/25/96	
<i>Administrative Office of the Court</i>				
Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Smith	03/15/96	
<i>Albemarle Mental Health Center</i>				
Judy A. Gordon v. Albemarle Mental Health Center	96 OSP 0354	Chess	10/17/96	
<i>Appalachian State University</i>				
Janice S. Walton v. ASU, Beverly Christian, Joan Critcher, Libby Clawson	96 OSP 0055	West	01/15/97	
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
Theresa Louise Whittington v. Appalachian State University	96 OSP 0350	Smith	10/09/96	
<i>A & T State University</i>				
Joey M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>Catawba County Mental Health</i>				
Tonyer J. Ruff v. Catawba County Mental Health	96 OSP 0951	Becton	10/22/96	
<i>NC Central University</i>				
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Smith	04/22/96	
Renee Lynch v. NC Central University	95 OSP 1461	Smith	10/03/96	11:15 NCR 1255

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<i>Central North Carolina School for the Deaf</i>				
Felicia S. Milton v. Central North Carolina School for the Deaf	95 OSP 1241	Chess	05/17/96	
<i>Department of Correction</i>				
Haydee Craver v. Department of Correction, Pender Correctional Inst.	95 OSP 1046	Gray	03/12/96	
Nancy L. Marek v. Department of Correction, Division of Prisons	95 OSP 1075	Chess	02/17/97	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	05/14/96	
Carolyn Cheek v. Department of Correction	95 OSP 1441	Smith	09/19/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	95 OSP 1460	Gray	05/17/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0092	Gray	06/03/96	
Brenda Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376**	Smith	07/05/96	
Rebecca A. Faison v. Department of Correction for Women	96 OSP 0383	Becton	10/01/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	96 OSP 0397	Gray	08/15/96	
Pamela Robinson v. Department of Correction	96 OSP 0403	Phipps	12/18/96	
James A. Klein v. Department of Correction	96 OSP 0434	Gray	10/29/96	
James E. Holmes v. Secretary Franklin Freeman (DOC), Parole Comm.	96 OSP 0538	Becton	02/07/97	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Mary Hargraves v. Department of Correction	96 OSP 0674	Smith	09/05/96	
Michael S. Doe v. Caswell Center	96 OSP 0691	Phipps	09/23/96	
Timothy L. Willis v. Caswell Correctional Center	96 OSP 0715	West	07/30/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0780	Smith	10/16/96	
Sharon Oxendine v. Department of Correction	96 OSP 0999	Becton	10/22/96	
James D. Dowdy v. Department of Correction	96 OSP 1081	Smith	02/21/97	
Larry W. Cole, Sr. v. Brown Creek Correctional Inst.	96 OSP 1136	Phipps	02/10/97	
Martin Tyler Wells, Sr. v. Dept of Correction Sandhill Youth Center	96 OSP 1142	Chess	01/28/97	
Timothy J. Ciscel & Anita K. Ciscel v. DOP/Piedmont Corr. Inst.	96 OSP 1149	Chess	01/24/97	
Charles H. Perry v. Department of Correction	96 OSP 1542	Reilly	01/02/97	
<i>Craven County Health Department</i>				
Linda Walker v. Craven County Health Department	95 OSP 1171* ¹⁵	Smith	01/24/97	
Patricia Kemp v. Craven County Health Department	95 OSP 1233* ¹⁵	Smith	01/24/97	
Patricia Kemp v. Craven County Health Department	96 OSP 0324* ¹⁵	Smith	01/24/97	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174* ¹⁰	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249* ⁹	Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0697	Smith	10/16/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836* ¹⁰	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050* ⁹	Smith	07/23/96	
Lloyd Edward Lowry v. Department of Crime Control & Public Safety	96 OSP 0341	Reilly	02/28/97	11:24 NCR 1886
Peter Mason Griffin v. Crime Control & Public Safety, St. Hwy Patrol	96 OSP 1309	Gray	12/12/96	
<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>East Carolina University</i>				
Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	

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Teresa Dail McCaskill v. East Carolina University	96 OSP 0212	Gray	01/10/97	
Richard Paul Schneck v. ECU Human Res., Sch. of Med., Psych. Med.	96 OSP 0759	Smith	12/19/96	
<i>Employment Security Commission</i>				
Gene S. Baker v. Gov. James B. Hunt, Jr., Ann Q. Duncan, Chairman, Employment Security Commission	93 OSP 0707	Becton	05/16/96	11:05 NCR 300
William Herbert Allen v. Employment Security Commission	94 OSP 1688	West	06/11/96	
Patricia Gary v. Employment Security Commission	95 OSP 0793	Chess	05/14/96	
Tonderlier Lynch v. Emp. Security Comm., Austin Quality Foods, Inc.	96 OSP 0275	Chess	05/21/96	
Jessie James Thomas, Jr. v. Employment Security Commission	96 OSP 1961	Phipps	01/27/97	
<i>Department of Environment, Health, and Natural Resources</i>				
Robertta Ann "Robin" Hood v. Environment, Health, & Natural Resources	95 OSP 0035	Reilly	04/09/96	
Kathy B. Vinson v. Dept. of Environment, Health, & Natural Resources	95 OSP 0203	Gray	09/18/96	11:13 NCR 1087
Donald E. Batts v. Division of Adult Health, EHNHR	95 OSP 1071	Smith	10/01/96	
<i>Fayetteville State University</i>				
William C. Neal v. Fayetteville State University	95 OSP 0392	Smith	04/22/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
Stuart Klatte v. Guilford Cty Area MH/DD/SAS, St. Per Comm, OSP	95 OSP 1179	Smith	07/19/96	11:10 NCR 865
<i>Department of Human Resources</i>				
Sheila Logan v. Black Mountain Center, Dept. of Human Resources	95 OSP 0672	Chess	01/24/97	
Myron A. Smith v. DHR, Division of Child Development	95 OSP 1033	Morrison	11/27/96	
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0114* ¹¹	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0146* ¹¹	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0147* ¹¹	Gray	11/05/96	
Gail Marie Rodgers Lincoln v. DHR, DMH/DD/SAS-Cherry Hosp., Cherry Hospital	96 OSP 0159	Chess	06/17/96	
Cynthia D. Hickman v. DHR, Central School for the Deaf	96 OSP 0191	Becton	09/23/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0217	Reilly	08/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0241* ¹¹	Gray	11/05/96	
Mary A. Boogaerts v. Cherry Hospital, Goldsboro, NC	96 OSP 0269	Becton	05/29/96	
Kelvin Parter v. Dorothea Dix Hospital	96 OSP 0294	Chess	08/07/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0543	Reilly	07/09/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0590	Reilly	07/09/96	
Kim A. Bell v. Walter B. Jones Alcohol & Drug Abuse Treatment Center	96 OSP 0597	Becton	09/11/96	
Allen J. Wright, Jr. v. Blue Ridge Area Authority	96 OSP 0665	Reilly	12/20/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
Deborah Ayala v. DHR/DSS/Child Support Enforcement	96 OSP 1062	Smith	10/29/96	
Jacqueline C. Branch v. Division of Facility Services	96 OSP 1089	Smith	12/09/96	
<i>Buncombe County Department of Social Services</i>				
Kathy Davis v. Buncombe County Department of Social Services	95 OSP 1487	West	08/09/96	
<i>Caswell Center</i>				
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	89 OSP 0411	Becton	03/26/96	
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
Franklin D. Sutton v. Department of Human Resources, Caswell Center	94 OSP 0766	Smith	03/21/96	
<i>Cumberland County Department of Social Services</i>				
Deborah McKoy v. Cumberland County Department of Social Services	95 OSP 1059	Chess	02/17/97	
Ruth Fortner v. Cumberland County Department of Social Services	96 OSP 0829	Becton	12/02/96	
<i>Durham County Department of Social Services</i>				
Jan E. Smith v. Durham County Department of Social Services	95 OSP 1121	Morrison	05/24/96	

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<i>Halifax County Department of Social Services</i>				
Clairbel Thomas v. Halifax County DSS & Director, Halifax County DSS	95 OSP 0905	West	05/29/96	11:06 NCR 395
<i>Haywood County Department of Social Services</i>				
Carol Hubbard v. Haywood County Department of Social Services	95 OSP 1084	Reilly	08/30/96	11:13 NCR 1092
<i>Lenoir County Department of Social Services</i>				
Sharron S. Moten v. Lenoir County DSS, Jack B. Jones	96 OSP 1100	Gray	12/06/96	
Felicia Ann Baker v. Lenoir County DSS, Jack B. Jones	96 OSP 1101	Gray	12/12/96	
<i>Division of Medical Assistance</i>				
Harold Wiggins v. Division of Medical Assistance	95 OSP 1482	West	06/11/96	
<i>O'Berry Center</i>				
Samuel Geddie v. O'Berry Center	96 OSP 0414	Morrison	06/13/96	
Gale Worrells v. Department of Human Resources, O'Berry Center	96 OSP 1011	Gray	01/09/97	11:21 NCR 1699
<i>Rockingham County Department of Social Services</i>				
Lorretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	
<i>Vance County Department of Social Services</i>				
Robert Eugene Davis v. Vance County Department of Social Services	96 OSP 0157	Reilly	10/28/96	
<i>Wake County Department of Social Services</i>				
Phyllis Gilbert v. Wake County Department of Social Services	95 OSP 1238	Phipps	06/27/96	
<i>Wilson County Department of Social Services</i>				
Karen R. Davis v. Wilson County Department of Social Services	96 OSP 0394	Chess	11/01/96	
<i>Department of Insurance</i>				
Larry W. Creech v. Department of Insurance	95 OSP 0631	Reilly	06/06/96	11:07 NCR 434
<i>Department of Justice</i>				
Thomas M. Hughes v. State Bureau of Investigation, Dept. of Justice	95 OSP 0368	Becton	02/28/97	11:24 NCR 1877
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
Sydney Cheryl Sutton v. Department of Labor	95 OSP 1211	Phipps	02/04/97	
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Smith	03/01/96	
<i>Pembroke State University</i>				
Bruce W. Hunt v. Pembroke State University	95 OSP 1288	Becton	12/02/96	
<i>Department of Public Instruction</i>				
Johnny Leak v. Public Schools of NC, Dept. of Public Instruction	96 OSP 0861	Phipps	09/05/96	
McLennard Jay v. Person County Schools	96 OSP 0862	Phipps	09/04/96	
<i>Sandhill Community College</i>				
Earl Levon Womack v. Sandhill Community College Bd. of Trustees	96 OSP 0573	Phipps	07/25/96	

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<i>Office of the State Controller</i>				
Angela M. Terry v. Office of the State Controller	96 OSP 0402	Becton	08/07/96	
<i>North Carolina State University</i>				
Vernell Mitchell v. North Carolina Cooperative Extension	96 OSP 0132	Gray	05/10/96	
Frederick A. Parmley v. NCSU Public Safety	96 OSP 1037	Smith	01/14/97	
Harvey Lee Clemmons v. North Carolina State University	96 OSP 1426	Reilly	01/16/97	
Andrew W. Gholson v. North Carolina State University	96 OSP 1730	Reilly	01/15/97	
<i>Tideland Mental Health Center</i>				
Lisa C. Selfridge v. Tideland Mental Health Center	96 OSP 1144	Smith	02/10/97	
<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589*	Gray	03/01/96	
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11.03 NCR 173
Bobby R. Mayo v. Department of Transportation	95 OSP 0561* ¹³	Reilly	01/08/97	
James H. Broyhill v. Department of Transportation	95 OSP 0673	Gray	12/02/96	
Bobby R. Mayo v. Department of Transportation	95 OSP 0798* ¹³	Reilly	01/08/97	
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837* ¹	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	
R. L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
William Dean Gillenwater v. Department of Transportation	96 OSP 0684	Gray	12/13/96	
Stephanie Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
James M. Stokes, III v. Department of Transportation	96 OSP 0983	Smith	03/03/97	11 24 NCR 1891
<i>Tri-County Mental Health Complex</i>				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Smith	03/22/96	
<i>University of North Carolina</i>				
Pamela B. Edwards v. University of North Carolina at Chapel Hill	95 OSP 0842	Chess	06/28/96	
Keith R. Cameron v. University of North Carolina at Chapel Hill	95 OSP 1060	Morrison	06/24/96	
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11 01 NCR 61
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C. D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
Donna M. VanHook v. UNC Hospitals at Chapel Hill	96 OSP 1103	Gray	01/29/97	
Tommie Thompson v. UNCG, Physical Plant	96 OSP 1135	Chess	01/29/97	
<i>Wake County Board of Health</i>				
Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health	96 OSP 1090	Smith	09/05/96	
<i>Western Carolina University</i>				
Kristin K. Parkinson v. Western Carolina University	96 OSP 0987	Becton	10/22/96	
<i>Winston Salem State University</i>				
Gejuan Long v. Winston Salem State University	96 OSP 0253	Gray	01/17/97	
Rebecca Williams v. Winston Salem State University	96 OSP 0807	Smith	01/23/97	

* Consolidated cases.

STATE TREASURER

Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chess	07/17/96	11:09 NCR 810
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Smith	10/18/96	

DEPARTMENT OF TRANSPORTATION

James E. Phillips v. Department of Transportation, Div of Motor Vehicles	96 DOT 1829	Reilly	12/10/96	
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UNIVERSITY OF NORTH CAROLINA

Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	
James E. Boudwin v. University of NC Hospitals at Chapel Hill	96 UNC 0343	Chess	07/22/96	
Rufus T. Moore Jr. v. UNC Hospital	96 UNC 0470	Reilly	08/12/96	
Marcia Spruill v. UNC Hospitals - Patient Accounts	96 UNC 0500	Becton	07/10/96	
Charles E. Houlk v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
95 EDC 1024

COUNTY OF JOHNSTON

V.A.A. AND R.L.A.¹

Petitioners,

v.

JOHNSTON COUNTY SCHOOL SYSTEM

Respondent.

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FINAL DECISION

This contested case was heard in the Johnston County Courthouse, Smithfield, North Carolina, beginning on October 16, 1996, and continuing through October 17, 1996. The record closed with the completion of the transcript which was filed in the Office of Administrative Hearings on December 18, 1996.

APPEARANCES

For Petitioners: V.A.A. and R.L.A.
331 Railroad Road
Benson, North Carolina 27504
Petitioners - pro se

For Respondent: Ann L. Majestic
Ruth T. Dowling
Tharrington Smith, L.L.P.
209 Fayetteville Street Mall
P. O. Box 1151
Raleigh, North Carolina 27602-1151
Attorneys for Respondent

WITNESSES

For Petitioners: Dale Hinman
Margaret Hinnant
Jerry Bernstein, M.D.
Greg Olley
Carolyn S. Bailey
V.A. (Petitioner)

For Respondent: Ann Rose Parrish
Alta Rens
Patricia Ann Tolliver
Charlotte Gregory
Anita Hardee
Michael Slingerland

EXHIBITS

For Petitioners: Petitioners' Exhibits 44 (R#15A)-45, 47A, 47B, 48-50
Respondent's Exhibits 6, 14, 15A, 25

For Respondent: Respondent's Exhibits 5-6, 13, 15, 15A, 16A, 17, 19-20, 22, 24-26, 28-29, 33-43

¹Full names of Petitioners and their minor child are deleted from this decision pursuant to 34 C.F.R. 300.508(5). The minor child will be referred to as "K".

ISSUE

Whether the proposed placement by Respondent of K. at Smithfield-Selma High School in the severely and profoundly handicapped classroom is appropriate within the meaning of state and federal special education laws.

STIPULATIONS

On October 16, 1996, the parties filed a Prehearing Order which contained, *inter alia*, the following Stipulations:

1. It is stipulated that all parties are properly before the court and that the court has jurisdiction of the parties and of the subject matter.
2. It is stipulated that all parties have been correctly designated, and there is no question as to misjoinder or nonjoinder of parties.
3. It is stipulated and agreed that each of the exhibits identified by the Respondent is genuine, and, if relevant, material and competent, may be received in evidence without further identification or proof.

Based upon the Stipulations of the parties and by the greater weight of the evidence admitted at the hearing, the Chief Administrative Law Judge makes the following:

FINDINGS OF FACT

1. K., the daughter of V.A.A. and R.L.A., Petitioners, is a 14 year old student who is profoundly mentally handicapped and blind. She also suffers from cerebral palsy (a seizure disorder), severe scoliosis (curvature of the spine), and hypotonia (an inability to regulate body temperature).
2. K. has a loving supportive family which includes her parents, a brother and sister.
3. K. was first enrolled in the Johnston County Schools in September 1987 and has been identified and served as a student with special needs since that time.
4. Until 1992, K. attended the Developmental Day Program at Selma Elementary School.
5. In the spring of 1992, V.A.A. requested that K. be placed in a new multi-handicapped program at Benson Elementary School. The school system agreed to placement at Benson Elementary School at the time.
6. From the fall of 1992 through the spring of 1995, K. remained in the Life Skills class at Benson Elementary School. The focus of her educational program was sensory stimulation and maintenance of her response to stimuli involving the olfactory, auditory and tactile senses. The educational program for the other students in the class primarily addressed academic and pre-academic skills.
7. While at Benson Elementary, K. won several awards for "Terrific Kid" and a five dollar cash award for a heritage day contest.
8. Ms. Charlotte Gregory, K.'s teacher at Benson Elementary School, became concerned during the 1993-94 school year that K.'s level of alertness was decreasing; that she was becoming more difficult to stimulate; and that sensory stimulation appeared to trigger seizures at a higher rate. By the end of the 1993-94 school year, K. had achieved only one of her educational goals on her Individual Education Program ("IEP") and the remainder were continued.
9. The decrease in K.'s alertness continued during the 1994-95 school year. Despite attempts to use manipulatives and augmentative communication devices, K. was not able to press switches or independently respond to any of the stimuli.
10. On June 2, 1995, the Benson Elementary School-Based Committee ("SBC") reviewed K.'s IEP and her placement. In light of K.'s decreased alertness and responsiveness and the lack of progress on her IEP goals, the committee recommended a change of placement to the severely and profoundly ("SVP") mentally handicapped classroom at Selma

Elementary School. The SBC noted that the Selma Elementary School classroom would be more appropriate because the students in K.'s Benson Elementary classroom were significantly younger and more educationally and socially advanced than K. The students in the Selma Elementary class were more chronologically and educationally comparable to K.

11. On June 9, 1995, the Administrative Placement committee ("APC") met to consider the SBC's recommendation. At that time, V.A.A. indicated that she was not in favor of the change in placement because Selma Elementary School was farther from her home and placement there would remove her from her home community. The community support for K. at Benson was of paramount concern to the Petitioners. However, the APC accepted the SBC's recommendation and approved the change in K.'s placement to Selma Elementary School, noting that it would more appropriately meet her educational and physical needs.

12. In late June and early August of 1995, two additional APC meetings were convened at V.A.A.'s request to reconsider the recommended change of placement to Selma Elementary School. At these meetings school personnel again explained the reasons that they felt the proposed placement was appropriate for K., including the fact that the teacher in the proposed program had more experience working with SVP children than K.'s current teacher and the adaptive equipment available in the SVP classroom would better meet K.'s needs. At these meetings, V.A.A. expressed concern over the length of the bus ride to Selma Elementary School from her home. School personnel offered to provide direct service for K. from her home to school that would reduce the time of her bus ride.

13. A contested case hearing was initiated on September 14, 1995 to challenge the proposed change of placement.

14. In October of 1995, by way of correspondence from Petitioners to Ann Parrish, Director of the Respondent's Exceptional Children's Program, Petitioners write: "We would like to stress, again, that transportation is not the primary issue, instead, it is the educational environment that is most beneficial for K. to enhance her life." (Respondent's Exhibit #24)

15. In December 1995, K. was evaluated at the Center for Development and Learning in Chapel Hill ("CDL"). The CDL report noted that it was difficult to determine K.'s academic potential but that areas of educational need included work on communication methods and physical therapy. CDL also advocated providing K. with a clear, predictable school routine to allow her to begin to anticipate activities.

16. In February 1996, the parties agreed that K. would spend three days a week in the SVP classroom at Selma Elementary School and two days a week in the Life Skills Class at Benson Elementary School. This placement continued through the end of the school year. During that period of time, Pat Tolliver, K.'s teacher at Selma Elementary School, saw small but significant progress in K's responses to simple directions, feeding and use of switches.

17. In March 1996, the SBC met to develop a new IEP for K. The parents and school personnel agreed that the new IEP was appropriate for K.

18. In May 1996, school personnel met with V.A.A. to reconsider the issue of placement for the 1996 school year. The school committee recommended that K. be placed in the SVP classroom full-time. The class was moved to Smithfield-Selma High School beginning with the 1996-97 school year. The high school classroom is a more age appropriate setting for K. and is closer to her home than Selma Elementary School.

19. V.A.A. disagreed with the proposed placement at Smithfield-Selma High School, again indicating that she wanted K. to remain in her neighborhood elementary school or middle school. The Petitioners again did not dispute the appropriateness of K.'s IEP.

20. According to Dr. Jerry Bernstein, K.'s Pediatrician, K. has reached her potential in her development. She needs to be handled, coddled, nurtured and spoken to but Dr. Bernstein had no basis for an opinion as to which of the two school placements would better meet K.'s needs.

21. According to Dr. John Greg Olley, a psychologist at the Center for Development and Learning, K.'s educational potential was uncertain and the focus should be placed on teaching her methods of communicating her needs and improving her ability to interact with her world. K. should be in an age-appropriate setting. Although Dr. Olley was unfamiliar with the classroom being proposed for K., a program consistent with his outlined elements could be provided in

a severe and profound classroom in a central location in the county.

22. V.A.A. desired to have K. in her neighborhood school and preferred that she remain in the Benson Elementary classroom until age 21. She was also willing to accept a placement in the class for educationally mentally handicapped students at South Johnston High School. V.A.A. believes that K. is not aware of the age of her classmates. She expressed concerns with the transportation provided to Selma Elementary School while K. was attending both Selma and Benson Elementary from February 1996-June 1996. The transportation mode was changed so that K. would have a direct route to and from Selma.

23. According to Ann Parrish, K. would be provided direct transportation to Smithfield-Selma High School and that it would take approximately 25 minutes each way. K. would be picked up at home and taken directly to school without any stops. A monitor would always be present with K. during transportation to and from school.

24. Some of the Petitioners' evidence indicates that K. is adversely affected by the length of the ride to and from school, particularly in cold weather. The modification provided by Respondent appears to compensate for any adverse effects. (The length and conditions of transportation must be closely monitored to ensure no adverse effects in the future.)

25. The Severe and Profound class at Smithfield-Selma affords a smaller teacher to student ratio with three adults (one teacher and two aides) to six students. This arrangement allows more individualized instruction for K. Some of the equipment used with K. which is available in the proposed class (a waterbed, specially designed swing) cannot be accommodated in K.'s current class at Benson Elementary.

26. There is a need to centralize services for severe and profoundly handicapped students like K. because of the difficulty in finding trained staff and the cost of purchasing necessary equipment.

27. Respondent has developed its severe and profound class curriculum after extensive preparation and participation in national studies. This curriculum was featured as a model study at a recent national conference on augmentative educational training. The focus in this curriculum is to promote interactive objective skills in gross and fine motor, communication, and self help as well as to stress learning at all levels commensurate with abilities of the children served. (Respondent's #37)

28. Alta Rens, School Psychologist, observed K. in her placement both at Benson Elementary and in the SVP classroom at Selma Elementary. It is Ms. Rens opinion that based on the experience and training of Ms. Tolliver, the SVP teacher, and the equipment available in Ms. Tolliver's room, that K. would be able to work more intensively on developing communication skills in the proposed placement. K. appeared more alert in Ms. Tolliver's class and the classroom afforded K. more direct physical contact because of the low teacher-student ratio. Ms. Rens also was of the opinion that a placement in the EMH class at South Johnston High School would be inappropriate because of the behavioral problems of many of the students in the class.

29. Pat Tolliver is the teacher in the SVP classroom recommended for K. She taught SVP and blind students at Governor Morehead School; she has a B.S. degree in handicapped preschool; she is currently working on her full certification in SVP; she has a provisional certificate with an anticipated completion in June 1997, and she has taught SVP students in Respondent's schools for three years. Mrs. Tolliver has direct experience working with switches and assistive communication devices in her classroom. She participated in the development of a curriculum for SVP students and also participated in national studies and conferences. Her philosophy is that every child can learn and that the teacher must build on a child's strengths.

30. Under Ms. Tolliver, K. experienced an increasing level of alertness between February and June 1996, when K. was temporarily placed in Ms. Tolliver's classroom. K. made slow improvement in the use of her communication devices. Ms. Tolliver's classroom has a daily routine and schedule of activities which allow K. to work on improving communication and on her physical therapy needs. The other students in the class are age-appropriate for K. Ms. Tolliver's classroom has equipment needed for K.'s physical therapy such as a water bed, side lyer and swing, as well as other adaptive equipment (Respondent's Exhibit # 38, 39 and 40). K. is capable of being out of her wheelchair several times a day to be repositioned and to work on her motor skills. Ms. Tolliver works directly with K. on range of motion activities each morning. Mike Slingerland, Physical Therapist, trained Ms. Tolliver in the range of motion activities. Ms. Tolliver's class takes field trips during the school year which expose her students to the community. Her classroom also has main streaming and reverse main streaming opportunities within the high school.

31. Based upon the observations of Charlotte Gregory, K.'s teacher at Benson Elementary School over the past several years, K. has a decreased level of alertness. Formerly, K. would smile and open her eyes during the school day. In the last school year, K. would sleep for much of the school day and did not appear as responsive when working one-on-one with the teacher. In her class there are eight students with one teacher assistant. The other students in the class are learning pre-academic skills and are at a very different level than K. K. is not able to participate directly in any of the classroom instruction as she is working on different skills than the other students. K. is also significantly older than the other students in this class.

32. Ms. Gregory is not qualified to provide K. with the kind of stimulation she needs. Ms. Gregory does not have experience working with switches and communication devices. She has tried to use some switches with K. K. would benefit from a teacher with particular experience in that area. K. is not able to get out of her wheelchair for extended periods of time in Ms. Gregory's class because the young mobile students in the class present a danger to K. when she is on the floor on a mat.

33. Michael Slingerland is working with K. He observed an increased level of alertness from K. while she was in Ms. Tolliver's class. Mrs. Tolliver's class allows K. to be out of her wheelchair and to work on range of motion activities that are important for her physical development. Based on Mr. Slingerland's observations of the two classrooms, Ms. Tolliver's class was judged much more appropriate for K. than Ms. Gregory's.

34. The evidence presented indicates that the classroom proposed by Respondent for K. at Smithfield-Selma High School offers a trained, experienced teacher, opportunities for growth in methods of communicating her needs, range of motion activities, physical therapy activities, and interaction with age-appropriate regular and special needs peers. During K.'s short time as a student in the SVP classroom she demonstrated slow progress in use of switches to communicate her needs and she demonstrated increased alertness.

Based upon the foregoing Stipulations and Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The IDEA, 20 U.S.C. 1400 *et seq.*, is the federal statute governing education of students with disabilities. The federal regulations promulgated under the IDEA are codified at 34 C.F.R. Parts 300 and 301.
2. The controlling state law for students with disabilities is Chapter 115C Article 9 of the North Carolina General Statutes.
3. The Office of Administrative Hearings has jurisdiction to hear this contested case pursuant to IDEA and Chapter 115C.
4. K. is a student with a disability for purposes of the IDEA and Chapter 115C and is entitled to special education and related services in Respondent's school system.
5. Respondent is required under federal and state law to make available special education and related services to K. and to offer her a free appropriate public education as that term is defined under the IDEA and state statutes.
6. There is no requirement under state and federal laws governing special needs students to placement of a student at his or her neighborhood school but is a factor to be considered in school placement.
7. Respondent's proposed placement in a SVP class at the Smithfield-Selma High School is an appropriate setting in which to provide K. with a free appropriate public education in compliance with the IDEA and N.C. Gen. Stat. 115C-106 *et seq.*
8. Based upon a combination of factors including the quality of the SVP classroom with adaptive equipment, the quality of the SVP curriculum and the quality of the teachers and assistants, the school placement at the Smithfield-Selma High School is highly appropriate to meet K.'s educational needs.²

²This conclusion of law was not made without giving due consideration to the Petitioners' preference of having K.'s placement in her neighborhood school.

9. G.S. 115C-108 defines transportation of handicapped children as a related service. The present mode, length and conditions of transportation must be closely monitored to ensure K.'s safety and medical well-being during transportation to and from school. In the event of medically documented adverse effects to K., Respondent should immediately modify the transportation service (as a related service) to cure any adverse effects or change K.'s school placement if K.'s health is placed in jeopardy.

10. Respondent's school placement is deemed appropriate only so long as direct and reasonable transportation is provided to K. from her home to Smithfield-Selma High School.

11. The Petitioners have the continuing right to request review of K.'s IEP based upon K.'s most recent educational experience. After review of the present record and evidence, the undersigned believes (and has legally concluded) that K.'s school placement is appropriate. This determination is only for the current IEP and does not restrict the parents from challenging future IEP school placement. Respondent School System has in the past always listened to the Petitioners' concerns but in the present case holds a legitimate differing view of placement for K.

Based upon the foregoing Stipulations, Findings of Fact and Conclusions of Law, the undersigned makes the following:

FINAL DECISION

Respondent's school placement of K. in the SVP classroom at Smithfield-Selma High School is appropriate as that term is used in state and federal laws governing services to special needs students.

NOTICE

In order to appeal this Decision, the person seeking review must file a written notice of appeal with the North Carolina Superintendent of Public Instruction. The written notice of appeal must be filed within thirty (30) days after the person is served with a copy of this Decision. G.S. 115C-116(h) and (i).

This the 11th day of February, 1997.

Julian Mann, III
Chief Administrative Law Judge

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
95 EHR 0108

NORTH BUNCOMBE ASSOCIATION OF)
CONCERNED CITIZENS, INC., SUCCESSOR)
TO THE FLAT CREEK UNINCORPORATED)
ASSOCIATION OF CONCERNED CITIZENS; GARY)
HENSLEY, PRESIDENT OF THE CORPORATION;)
AND GARY HENSLEY, INDIVIDUALLY, AND)
WIFE, DEBBIE HENSLEY)
Petitioners,)

v.)

NORTH CAROLINA DEPARTMENT OF)
ENVIRONMENT, HEALTH, AND NATURAL)
RESOURCES; AND A. PRESTON HOWARD, JR.,)
DIRECTOR, DIVISION OF ENVIRONMENTAL)
MANAGEMENT, AND VULCAN MATERIALS)
COMPANY,)
Respondents.)

**RECOMMENDED DECISION
OF ADMINISTRATIVE LAW JUDGE**

THIS MATTER coming on to be heard and being heard before the undersigned duly appointed administrative law judge pursuant to the provisions of Chapter 150B and the Rules of Contested Case hearings in the offices of administrative hearings, and the court having conducted its hearing in accordance with the provisions of N.C.G.S. 150B-25 and received evidence in accordance therewith, does hereby make the following **RECOMMENDED DECISION** pursuant to the provision of N.C.G.S. § 150B-34 and in accordance therewith makes the following:

FINDINGS OF FACT

1. That the North Buncombe Association of Concerned Citizens, Inc. is a non-profit corporation, incorporated under Chapter 55A of the General Statutes of the State of North Carolina, and is the successor to the Flat Creek Unincorporated Association of Concerned Citizens, and its members represent the general civic, social, recreational, environmental and public health perspective of North Buncombe County, and specifically, the area known as Flat Creek, and its membership includes individuals who reside immediately adjacent to and in close proximity of the 99 acre tract of property wherein Vulcan Materials Company has proposed to situate a mine and quarry operation located in the Flat Creek Township of Buncombe County.

2. That Gary Hensley and wife, Debbie Hensley, are citizens and residents of Buncombe County, North Carolina, and own property which adjoins the 99 acre tract herein described.

3. That the Respondent, North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management, is a principal Department of the State of North Carolina, which as a department and through its divisions and sections is primarily charged with enforcing State, and in many cases, federal law regarding the environment, including processing of NPDES applications and determination of whether the NPDES permits should be issued pursuant to statutory law contained in Article 21, Chapter 143 of the North Carolina General Statutes and regulations promulgated thereunder.¹

4. That Vulcan Materials Company is a New Jersey corporation, which is authorized to do business in the State of North Carolina, with its registered agent being Prentice Hall Corporation, 1300 St. Mary's Street, Raleigh, NC

¹Supulation

27602.² That Mr. Mike Poplin, an environmental engineer of Vulcan Materials Company, was the person at Vulcan Materials Company that was responsible for completing the 1992 NPDES permit.⁴

5. That on or about the 15th day of June, 1987, the Respondent, Vulcan Materials, Inc., made application to the then Department of Natural Resources and Community Development, Division of Land Resources, for a mining permit.⁵ Thereafter, on or about the 18th day of April, 1988, the Department of Natural Resources and Community Development issued to Vulcan Materials Company a mining permit.⁶

6. On or about the 30th day of March, 1992, Vulcan Materials Company applied to the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management, to renew its previously issued NPDES Permit No. NC0071714.⁷ Vulcan had originally applied for the NPDES permit in March of 1987.

7. That in applying for the renewal of the requested permit, as hereinbefore referred, the Respondent, Vulcan Materials Company, used a "Short Form C" application.⁹

8. That thereafter, on or about the 7th day of May, 1992, a "NPDES Staff Report and Recommendation" was published and which Report and Recommendation was based upon the application hereinbefore referred to, and which concluded that "the permit go to public notice and be reissued accordingly."¹⁰

9. That on or about the 1st day of July, 1993, a public hearing was held upon the proposed issuance of the renewal of the Vulcan NPDES Permit No. NC0071714, during which various objections, including the ones set forth in Petitioners' Petition for a Contested Case, were made by various participants attending, including the North Buncombe Association and Gary Hensley.¹¹

10. That during the conduct of the public hearing on July 1, 1993, the hearing officer represented to those attending that "the public record for this meeting will remain open until July 13, 1993, written comments received until that date will become part of the record."¹²

11. On July 13, 1993, Vulcan Materials Company, by and through its attorneys of record, wrote Mr. Steve Tedder of the Water Quality Section Chief, Division of Environmental Management, Department of Environment, Health and Natural Resources, to the effect that it was Vulcan's understanding that "public comments on the draft permit are due today."¹³

²Stipulation

³Page 7, line 14, Mike Piplin Deposition

⁴Page 12, lines 2 through 4, Mike Poplin Deposition

⁵Tab 12, Affidavit of Ralph Heath

⁶Tab 15, Official Record

⁷Tab 2, Official Record

⁸Plaintiffs' Exhibit 1 - Colleen Sullins Deposition

⁹Tab 2, Official Record

¹⁰Tab 4, Official Record

¹¹Tab 20, Official Record

¹²Tab 20, page 15 of typed transcript, Official Record

¹³Tab 14, Official Record

12. Three days after the public comment period expired, Vulcan Materials Company, by and through its attorneys of record, sent to the Department of Environment, Health and Natural Resources a voluminous letter with attachments dated July 16, 1993, and which was received by the water quality section on July 16, 1993, and incorporated into the public record.¹⁴

A. On July 23, 1993, approximately 10 days after the expiration of the public comment period, Russ Willard, who was manager of mining services for Vulcan Materials Company in July of 1993,¹⁵ along with Yvonne Bailey met with Mr. Charles Gardner with the North Carolina Department of Environment, Health and Natural Resources, and expressed concerns about getting different messages from the Division of Land Resources and the Division of Environmental Management regarding ground water withdrawals at the proposed quarry site.¹⁶

13. That an NPDES permit was issued to Vulcan Materials Company on or about the 27th day of August, 1993.¹⁷

14. That Vulcan's application for the NPDES permit which is at issue in this case did not involve the use of any cooling waters.¹⁸

15. That Vulcan's application for the NPDES permit which is at issue in this case did not involve the use of any cooling tower blowdown.¹⁹

16. That Vulcan's application for the NPDES permit which is at issue in this case did not involve the use of any boiler blowdown.²⁰

17. That Vulcan's application for the NPDES permit which is at issue in this case is an industrial discharge.²¹

18. It is to be expected that the industrial discharge taking place at the proposed Weaverville quarry site by Vulcan will contain sand or small particles in the water.²²

19. That the NPDES permit which is at issue in this case is an individual and not a general permit.²³

20. The standard forms which are referenced in 15A NCAC 2H.0105 are designed for different types of discharges. The Court finds that different types of discharges are likely to have different types of constituents of concern

¹⁴Tab 14, Official Record

¹⁵Page 41, line 10 through 23, Mike Poplin Deposition

¹⁶Tab 16, Official Record

¹⁷Tab 1, Official Record

¹⁸Page 15, line 13 through page 16, line 4, Colleen Sullins Deposition; page 14, lines 21 through 24, Mike Poplin Deposition

¹⁹Page 16, lines 5 through 19, Colleen Sullins Deposition; Mike Poplin of Vulcan indicates he was not familiar with the term "cooling tower blowdown." Page 16, lines 2 through 4, Mike Poplin Deposition

²⁰Page 16, line 21 through page 17, line 16, Colleen Sullins Deposition; Mike Poplin of Vulcan indicates he was not thoroughly familiar with the term "boiler blowdown." Page 16, lines 5 through 9, Mike Poplin Deposition

²¹Page 19, line 16 through page 20, line 1, Colleen Sullins Deposition

²²Page 23, lines 3 through 11, Colleen Sullins Deposition

²³Page 29, lines 10 through 12, Colleen Sullins Deposition; Page 13, lines 20 through 22, Mike Poplin Deposition

in them. And depending on the potential to impact, the receiving stream to a different level, there is a different form that is required to be used.²⁴

21. The Department of Environment, Health, and Natural Resources is not aware that it has specifically reviewed and approved the proposed settling ponds at the proposed Weaverville site.²⁵

22. That the official record contains no information with regard to the number of settling ponds which might constitute a source of underground percolation, and the total volume used or discharged from thousands of gallons per day relative to potential underground percolation with regard to the activities at the Vulcan quarry.²⁶

23. Flat Creek is the receiving water stream proposed as a discharge point by Vulcan in its Short Form C application. That stream is classified as a Class C receiving stream.²⁷

24. In 1987, Vulcan Materials Company checked "yes" to item 14 with regard to potential discharges.²⁸ In 1992, that same item number 14 was check "no."²⁹ Concern was raised at the public hearing over these discrepancies.³⁰ It is the policy of the North Carolina Department of Environment, Health and Natural Resources to have the person reviewing the application to go through the previous permit file to look at it. The purpose of this would be to insure that there is nothing significantly different between applications.³¹ Colleen Sullins testified she was not certain of what happened between 1987 and 1992 with regard to this discrepancy, and did not know if the Department made any inquiry on the change between the 1987 application form and the 1992 application form.³² Mike Poplin of Vulcan Materials Company testified that he did not speak to anyone about this discrepancy.³³

FINDINGS OF FACT RELATIVE TO STANDARD FORM - SHORT FORM C

25. The Court finds as a fact that the Standard Form C requests the following information which is not requested on a Short Form C:

- A. Item 4 on Standard Form C requests previous application information.³⁴
- B. Item 5 on Standard Form C requests information with regard to ownership of the facility which is information that is not requested on the Short Form C.³⁵

- 1. Vulcan Materials Company does not know if submitted any information with regard to

²⁴Page 34, lines 22 through 25; page 35, lines 12 through 23, Colleen Sullins Deposition

²⁵Page 45, lines 14 through 21, Colleen Sullins Deposition

²⁶See Standard Form C, item 9, "Underground Percolation"

²⁷Page 50, line 14 through page 51, line 5, Colleen Sullins Deposition

²⁸Plaintiffs' Exhibit 1, Colleen Sullins Deposition

²⁹Plaintiffs' Exhibit 2, Colleen Sullins Deposition

³⁰Tab 19, transcript of July 1, 1993 public hearing, page 4

³¹Page 11, line 18 through page 12, line 4, Colleen Sullins Deposition

³²Page 62, line 9 through page 64, line 6, Colleen Sullins Deposition

³³Page 25, lines 7 through 18, Mike Poplin Deposition

³⁴Page 37, lines 3 through 10, Colleen Sullins Deposition

³⁵Page 37, lines 14 through 24, Colleen Sullins Deposition

ownership of the facility.³⁶

- C. Item 8 on Standard Form C requests specific information relative to average volume per day and thousands of gallons per day for non contact cooling, boiler feed water, process water, sanitary water, and "other." The Short Form C, rather than requesting specific average gallons per day only requests information on ranges of gallons per day and stops at a maximum of 50,000 gallons or more.³⁷
 - 1. Vulcan checked the category "process water" in its Short Form C application which contained the "Fifty Thousand Gallons or more," but not the specific information requested on a Standard Form C.³⁸
 - 2. Vulcan checked the category "sanitary water" but did not check that same category in 1992.³⁹
 - 3. Timothy Knopf of the Vulcan Corporation completed the 1987 application, but Mike Poplin of Vulcan Materials Company does not recall discussing the two applications with him at the time Poplin completed the 1992 application.⁴⁰
- D. Item 9 on Standard Form C requests information on the number of discharge points, and there are more potential discharge locations listed on the Standard Form C than on the Short Form C.⁴¹
 - 1. The only information submitted by Vulcan with regard to the information requested in the Standard Form C, item 9, was surface water.⁴²
 - 2. Item 9, Standard Form C, also seeks information with regard to underground percolation. Mike Poplin of Vulcan indicates its a standard practice for Vulcan to use settling ponds, but he does not have adequate information to know if there is a potential for water to infiltrate into the ground water from a settling pond.⁴³
- E. Item 10 of the Standard Form C requests all information on existing, pending or denied permits and that information is not requested in the Short Form C.⁴⁴
- F. Item 11 of the Standard Form C requests maps and drawings incident to water flow and location maps. Short Form C does not require that information.⁴⁵

³⁶Page 19, lines 12 through 24, Mike Poplin Deposition -- Official Record in case has no information on ownership of facility, whether public or private.

³⁷Exhibit 2, Colleen Sullins Deposition; Exhibit 5, Colleen Sullins Deposition: Page 39, line 19 through page 40, line 5, Colleen Sullins Deposition; page 41 line 19 through page 42 line 17, Colleen Sullins Deposition

³⁸Page 21, line 6 through page 22, line 9, Mike Poplin Deposition; Tab 2, Official Record

³⁹Page 22, line 23 through page 24, line 11, Mike Poplin Deposition

⁴⁰Page 23, line 15 through page 24, line 11, Mike Poplin Deposition

⁴¹Page 45, line 2 through 6, Colleen Sullins Deposition

⁴²Page 25, line 19 through page 26, line 8, Mike Poplin Deposition

⁴³Page 26, line 9 through page 27, line 9, Mike Poplin Deposition

⁴⁴Page 48, lines 10 through 13, Colleen Sullins Deposition

⁴⁵Page 48, line 14 through page 49, line 14, Colleen Sullins Deposition

1. Vulcan Materials Company representative, Mike Poplin, indicates the 1992 renewal application submitted by Vulcan did not contain any drawings as an attachment. He is also not aware of any engineering reports that were submitted to the State of North Carolina incident to the 1992 NPDES renewal application.⁴⁶
- G. Section 2, item 3 of the Standard Form C requests all engineering reports, if available to the reviewing agency. None were submitted by Vulcan Materials Company in this case.⁴⁷ Additionally, the Short Form C does not request engineering reports.⁴⁸
1. Mike Poplin of the Vulcan Materials Corporation indicates he is not aware of any engineering reports that were submitted to the State of North Carolina.⁴⁹
- H. Section 2, item 10 of the Standard Form C requests the average volume per discharge occurrence in thousands of gallons and requests specific information on that item. The Short form C, however, does not request specific numerical volume.⁵⁰
1. Vulcan Materials Company did not supply any information with regard to hours per day.⁵¹
- I. Section 2, items 11 (a) and (b) of the Standard Form C, section 2, also requests information on intermittent discharge in terms of average hours per day and average occurrences per day which is more specific information than is requested on item 9 of the Short Form C.⁵²
1. The official record contains no such specific information.
- J. Section 2, item 12 of the Standard Form C requests information for the maximum period of flow of each discharge and that type of specific information is not requested on the Short Form C.⁵³
1. Mike Poplin of Vulcan Materials testified that the 1992 renewal application listed no gallons per operating day subject to other influences dependent upon seasonal and weather influences.⁵⁴
- K. Section 2, item 14 of the Standard Form C requests information with regard to standard industrial classification codes. Item 7 of Short Form C does not request any standard industrial code.⁵⁵
1. Section 2, item 14 of the Standard Form C. also requests maximum amount of raw

⁴⁶Page 27, line 23 through page 28, line 22, Mike Poplin Deposition

⁴⁷Page 51, lines 17 through 24, line 11, Colleen Sullins

⁴⁸Plaintiffs' Exhibit 2, Colleen Sullins Deposition

⁴⁹Page 28, lines 19 through 22, Mike Poplin Deposition

⁵⁰Page 52, lines 14 through 25, Colleen Sullins Deposition

⁵¹Page 30, lines 7 through 8, Mike Poplin Deposition

⁵²Page 53, lines 3 through 10, Colleen Sullins Deposition

⁵³Page 53, lines 11 through 16, Colleen Sullins Deposition

⁵⁴Page 30, line 24 through page 31, line 14, Mike Poplin Deposition; The Official Record contains no information with regard to maximum flow period from month to month.

⁵⁵Page 54, line 13 through page 55, line 6, Colleen Sullins Deposition

materials and products discharged per day. That type of information is not requested on the Short Form C. Such specific information is not contained in the Official Record.

2. Vulcan Materials Company never supplied any information relative to SIC code references in the 1992 renewal application and in fact did not know what, if any, relevant SIC codes had with regard to effluent limitations.⁵⁶
- L. Section 2, item 15 of the Standard Form C requests information on waste abatement practices and waste abatement codes and that type of information is not requested in a Short Form C.⁵⁷
1. Mike Poplin of the Vulcan Corporation testified that he did not know what a waste abatement practice was in the context of this application.⁵⁸
- M. Section 2, item 16 of the Standard Form C contains a comprehensive listing of constituents which may be present in an effluent discharge. While the Short Form C contains a listing of some of these constituents, it does not contain the comprehensive list of potential waste water characteristic constituents which are present in item 15, section 2, of the Standard Form C and that information is not requested on the Short Form C.⁵⁹
1. Vulcan Materials Company did not submit any other information with regard to what water characteristic constituents would be present other than what was checked under "no" under item 14 of the Short Form C application.⁶⁰
- N. Section 2, item 17 of the Standard Form C requests particular information regarding influent and effluent parameters. That type of specificity is not required in a Short Form C.⁶¹
1. Other than the general information provided in flow gallons per day in item 10 of the Short Form C, Vulcan Materials Company did not provide information to the State of North Carolina with regard to the other parameters listed.⁶²
- O. Section 2, item 18 of the Standard Form C requests various information on plant controls. This type of information requested in this section of the Standard Form C is not requested in the Short Form C.⁶³
1. Mike Poplin of Vulcan Materials Company indicated he was not aware of any information being submitted subsequent to or in support of the application that pertains to alternate power sources, alarms or emergency procedures.⁶⁴
- P. Section 2, item 19 of the Standard Form C requests information on water treatment additives. The

⁵⁶Page 32, lines 4 through 11, Mike Poplin Deposition

⁵⁷Page 60, line 22 through page 61, line 9, Colleen Sullins Deposition

⁵⁸Page 33, lines 6 through 17, Mike Poplin Deposition

⁵⁹Page 61, line 10 through page 62, line 8, Colleen Sullins Deposition

⁶⁰Official Record, tab 2; Page 33, line 18 through page 34, line 16, Mike Poplin Deposition

⁶¹Page 64, line 23 through page 67, line 7, Colleen Sullins Deposition

⁶²Page 34, line 25 through page 36, line 21, Mike Poplin Deposition

⁶³Page 68, lines 17 through 21, Colleen Sullins Deposition

⁶⁴Page 37, line 6 through page 38, line 4, Mike Poplin Deposition

Short Form C does not request that type of information.⁶⁵

1. Vulcan Materials Company's representative Mike Poplin testified he was not aware of any information being submitted with reference to water treatment additives.⁶⁶
- Q. Section 2, item 21 of the Standard Form C requests information on the discharge / receiving water temperature difference. That type of information is not requested on the Short Form C.⁶⁷
1. Mike Poplin of Vulcan Materials Company testified that the 1992 NPDES application or other information submitted by Vulcan would have addressed any of the questions 20 through 25.⁶⁸
- R. Section 2, item 22 of the Standard Form C requests information on discharge temperature and rate of change per hour and that type of information is not requested on the Short Form C.⁶⁹
1. Mike Poplin of Vulcan Materials Company testified that the 1992 NPDES application or other information submitted by Vulcan would have addressed any of the questions 20 through 25.⁷⁰
- S. Section 2, item 24 of the Standard Form C requests information on water intake velocity. That type of information is not requested on a Short Form C.⁷¹
1. Mike Poplin of Vulcan Materials Company testified that the 1992 NPDES application or other information submitted by Vulcan would have addressed any of the questions 20 through 25.⁷²
- T. Section 2, item 25 of the Standard Form C requests information on retention time from the start of water temperature arise to discharge of cooling water. That type of information is not requested on a Short Form C.⁷³
1. Mike Poplin of Vulcan Materials Company testified that the 1992 NPDES application or other information submitted by Vulcan would have addressed any of the questions 20 through 25.⁷⁴
- U. Section 3 of the Standard Form C requests information on waste abatement requirements and

⁶⁵Page 68, line 22 through page 69, line 1, Colleen Sullins Deposition

⁶⁶Page 38, lines 5 through 8, Mike Poplin Deposition

⁶⁷Page 70, lines 8 through 12, Colleen Sullins Deposition

⁶⁸Page 38, lines 9 through 18, Mike Poplin Deposition

⁶⁹Page 70, lines 13 through 16, Colleen Sullins Deposition

⁷⁰Page 38, lines 9 through 18, Mike Poplin Deposition

⁷¹Page 71, lines 8 through 10, Colleen Sullins Deposition

⁷²Page 38, lines 9 through 18, Mike Poplin Deposition

⁷³Page 71, lines 16 through 20, Colleen Sullins Deposition

⁷⁴Page 38, lines 9 through 18, Mike Poplin Deposition

implementation. That type of information is not requested on a Short Form C.⁷⁵

1. Mike Poplin of Vulcan Materials Company testified that he was not familiar with the term "waste abatement facilities as they relate to the Vulcan operations in the permitting that he customarily handles."⁷⁶

26. That Petitioner Hensley and other Concerned Citizens own interest in real property within a one mile radius of the proposed quarry, which property values will be adversely affected by the proposed discharge permitted by the NPDES permit at issue in this case.

27. There exists a discrepancy in Item 14 of the 1987 Short Form C and the 1992 Short Form C submitted by Vulcan Materials Company to the Respondent Department.

That based upon the foregoing Findings of Fact, the Court herein makes the following:

CONCLUSION OF LAW

1. That the NPDES permit which was the subject of the renewal application made by Vulcan was associated with its proposed mining activities at its proposed Weaverville, North Carolina site.

2. That the mine proposed by Vulcan constitutes a "mine" as that term is defined and used in N.C.G.S. 74-24.2(7) of the North Carolina Mining Act, Chapter 74, of the North Carolina General Statutes.

3. That the issuance of NPDES permits are controlled and governed by the terms of Article 21, Chapter 143, of the North Carolina General Statutes entitled "Water and Air Resources." It is the policy of the State of North Carolina, as defined in N.C.G.S. 143-211, that the water and air resources of the State belong to the people of the State of North Carolina, and that the standards of water purity are to be designed to protect human health, prevent injury to plant and animal life, and to prevent damage to public and private property.

4. As set forth in N.C.G.S. 143-215.1(c)(1), all applications for NPDES permit or for renewal of the same are to be in writing. Further, it is stated that the environmental management commission "may prescribe the form for such applications."

5. Pursuant to said authority, the commission has prescribed the necessary forms to be used pursuant to 15A NCAC 2H.0105(a).

6. One form to be used in connection with applying for the renewal of an NPDES permit is a standard form C. Pursuant to the provisions of the above referenced rule, the standard form C is to be used for:

All primary industries as listed in 40 CFR 122.21, appendix A, and all other industrial process and commercial discharges except cooling waters, cooling tower blow down, and boiler blow down.

7. Cooling waters, cooling tower blow down, and boiler blow down are to use the "Short Form C" as prescribed in 15A NCAC 2H.0105(a).

8. The activity which Vulcan proposes to conduct during its mining operation does not constitute the use of cooling waters, a cooling tower blow down, or a boiler blow down as those terms are used in 15A NCAC 2H.0105(a).

9. That the activity to be conducted by Vulcan in its mining activities at the Weaverville quarry site constitutes an industrial process as that term is used in 15A NCAC 2H.0105(a).

10. The standard forms which are referenced in 15A NCAC 2H.0105 are designed for different types of

⁷⁵Page 71, line 21 through page 72, line 2, Colleen Sullins Deposition

⁷⁶Page 39, lines 6 through 17, Mike Poplin Deposition

discharges. One of the purposes of Article 21, Chapter 143 is to ensure that minimum standards of water quality are met. The Environmental Management Commission has established rules, marked Exhibit 4 to Colleen Sullins deposition, to assist it in assuring that these minimum water quality standards will be met. Different types of information are requested in different types of forms because different types of discharges are likely to have different types of constituents of concern in them. And depending on the potential to impact, the receiving stream to a different level, there is a different form that is required to be used.⁷⁷

11. 15A NCAC 2H.0105(a) is dispositive on which form should be used in association with an application for an NPDES permit. The substantive requirement of using a Standard Form C is governed by 15A NCAC 2H.105(a) and therefore, the "Short Form C" which contains the language "to be filed only by persons engaged in manufacturing and mining" would not be a "rule" as is clearly defined in N.C.G.S. 150B-2(8a)(d) which clearly states that a "rule" does not include a form, the contents or substantive requirements of which are prescribed by rule or statute.

PUBLIC HEARING

12. The public hearing held on July 1, 1993 in this matter was held pursuant to the provisions of N.C.G.S. 143-215.1(c)(3).

13. Once the hearing was completed in this matter on July 1, 1993, the hearing officer stated that the public record would remain open until July 13, 1993. The submission of the materials by Vulcan on July 16, 1993, and the acceptance by the Department of those materials three days after the expiration of the public comment period as prescribed by the hearing officer violated the Department's ruling on that issue.

14. The Petitioners in this matter are afforded the rights of minimum water quality standards as is the policy of this State as embodied in N.C.G.S. 143-211, and the substantive water quality standards promulgated pursuant to Article 21 of Chapter 143. Further, the Commission in this matter had the responsibility to assess the information which was called for by the appropriate forms in order to ensure that minimum water quality standards were met so that the Petitioners in this matter could be satisfied that all water quality standards associated with this type of industrial activity were met.

15. In addition to the rights of the Petitioners herein to minimum water quality standards and to have an adequate assessment made of whether those standards are being met, the Petitioners in this matter had the right, at the public hearing, to participate in that public hearing at a meaningful time and in a meaningful manner. Goldberg v. Kelly, 397 U.S. 254, 25 L.Ed. 2d 287, 299, 90 S.Ct. 1011 (1970)

16. During the public hearing in this matter, the Petitioners were deprived of their right to participate in a meaningful manner given the fact that:

a. The Standard Form C, which requires substantially more detailed information than is required in a Short Form C, was not used for this type of industrial activity and therefore, the Petitioners could not evaluate that information; and

b. The agency in this case failed to follow its own rules by allowing Vulcan Materials Company to submit information made part of the public record following the closure of the public comment period.

17. N.C.G.S. 143-211 extends to the Petitioners who fall within the zone of those to be protected and regulated

⁷⁷This conclusion of law is bolstered by the Department's representative's sworn testimony as contained on page 34, line 22 through page 35, line 23, Colleen Sullins Deposition.

by Article 21 of Chapter 143 and the rules and standards promulgated pursuant thereto, and the substantive and procedural requirements which the Agency violated when it issued this permit by using the incorrect form in violation of Title 15A, subchapter 2H of the North Carolina Administrative Code and the procedures used with respect to the public hearing and public comment period. Empire Power Co. v. N.C. Dept. of E.H.N.R., 337 N.C. 569, 589 (594)

18. The Petitioners in this matter have a sufficient geographical nexus to the proposed discharge site of the challenged mining project that they can be expected to suffer whatever environmental consequences the project might have. State of Tennessee v. Environmental Management Commission, 78 N.C. App. 763, 766-67, 338 S.E.2d 781, 783

19. Further, the Petitioners herein sustained a "procedural injury" which was implicit in the agencies failure to follow its own rules in using the appropriate Standard Form C which required substantially more detailed information relative to the nature and quality of the discharge proposed by Vulcan into Flat Creek. Orange County v. D.O.T., 46 N.C.App. 350, 360-361 (1980)

Based the foregoing Findings of Fact and Conclusions of Law, it is now, therefore, recommended to the Agency as follows:

1. That NPDES permit number NC0071714 be declared invalid and of no effect.
2. That upon any subsequent application by Vulcan Materials Company for an NPDES permit for the proposed Weaverville quarry site that a Standard Form C should be used.

ORDER

IT IS HEREBY ORDERED that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this Recommended Decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the Environmental Management Commission.

This the 3rd day of February, 1997.

Sammie Chess, Jr.
Administrative Law Judge

STATE OF NORTH CAROLINA

**IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
95 OSP 0368**

COUNTY OF BUNCOMBE

THOMAS M. HUGHES,

Petitioner,

v.

**NORTH CAROLINA STATE BUREAU OF
INVESTIGATION, DEPARTMENT OF JUSTICE**

Respondent.

RECOMMENDED DECISION

This matter was heard before Brenda B. Becton, Administrative Law Judge, on October 14 and 15, 1996, in Asheville, North Carolina. At the conclusion of the hearing, the parties were afforded an opportunity to file written post-hearing submissions.

APPEARANCES

For Petitioner: LONG, PARKER & WARREN, P.A., Attorneys at Law, Asheville, North Carolina; Kimberly A. Lyda appearing.

For Respondent: John H. Watters, Special Deputy Attorney General, N.C. Department of Justice, Raleigh, North Carolina.

ISSUES

1. Whether the Respondent's failure to select Petitioner for inclusion in the 25th SBI Academy was the product of age discrimination.
2. Whether the Respondent improperly failed to accord Petitioner a state employee preference as set forth in 126-7.1(c).

STATUTES AND RULES INVOLVED

N.C. Gen. Stat. §126-7.1(c)

N.C. Gen. Stat. §126-36

EXHIBITS

The following exhibits offered by the Petitioner were received in evidence:

- P1. Excerpts from the North Carolina State Personnel Manual.
- P2. Application, interview score sheets and writing sample of Thomas M. Hughes.
- P3. Application, interview score sheets and writing sample of Julie Grant, a member of the 25th SBI Academy Class and field agent.
- P4. North Carolina State Bureau of Investigation Policy Manual, Section 1, pps. 1-17.
- P5. Administrative Order No. 94-4 from Director James J. Coman, Re: Special Agents Selection Process.

- P6. Thomas Hughes' Personnel File.
- P7. Thomas Hughes' Performance Rating for 1992.
- P8. Thomas Hughes' Performance Rating for 1993.
- P9. Thomas Hughes' Performance Rating for 1994.
- P10. Rejection letter from Charles J. Overton, III to Thomas Hughes.
- P11. Applications, interview score sheets and writing samples of the following persons who were accepted into the 25th SBI Academy class: Amy Blanton, John Byrd, Daniel T. Castillo, Cecil V. Cherry, III, Karen Donald, R. Eric Goodman, Frederick R. Hetzel, II, Errol D. Jarmen, Daniel E. Kaplan, Carl Ann Marshburn, Mark R. Parker, Kanawha Perry, David Santora, Robert J Vehe, Jr., Michael Scott Williams, Phillip V. Wynn.
- P12. Report of Captain Lee Farnsworth.
- P14. Thomas Hughes' Petition for a Contested Case Hearing.

The following exhibits offered by the Respondent were received in evidence:

- R1. N.C. Dept. of Justice Grievance Procedure.
- R2. Letter from Thomas Hughes to Gayle Green dated March 10, 1995.
- R3. Letter from Nancy Kiesenhofer to Thomas Hughes dated March 21, 1995.

FINDINGS OF FACT

From official documents in the file, sworn testimony of the witnesses, and other competent and admissible evidence, it is found as a fact that:

- 1. Petitioner was employed as a Training Specialist by the Department of Justice, Division of Criminal Information (hereinafter referred to as "DCI") during the times relevant to this action.
- 2. Petitioner's employment as a DCI Training Specialist with the SBI was based in Asheville, North Carolina; and Petitioner was and currently is a resident of Buncombe County, North Carolina.
- 3. Petitioner, a career state employee as defined in N.C. Gen. Stat. §126-1A(1), applied for a position as a field agent, "Special Agent I," in the 25th SBI Academy in September of 1994.
- 4. Qualifications for selection as a field agent member of the 25th SBI Academy were as follows:
 - a. Having high moral character and personal integrity;
 - b. Not having been convicted of serious crime or felony;
 - c. Having a four year degree from a resident college;
 - d. Being at least age 21;
 - e. Being a citizen of the United States;
 - f. Holding or being eligible for a valid North Carolina driver's license;
 - g. Not having any physical or psychological disabilities that would affect the duties of a Special Agent;
 - h. Not having received a dishonorable discharge from the military;
 - i. Not having a current unsatisfactory credit record;
 - j. Not having an unacceptable prior employment record;
 - k. Not having an alcohol abuse problem;
 - l. Not having recently used illegal drugs;
 - m. Not having a current unacceptable driver's license;
 - n. Passing a polygraph examination;

- o. Passing a physical and psychological assessment;
 - p. Consenting to an extensive personal background check;
 - q. Accepting permanent and/or temporary assignment anywhere in the State.
- 5. Successful completion of the SBI Academy is a mandatory requirement for employment with the SBI as a Special Agent.
 - 6. There were between 700 and 800 applications for the thirteen field agent positions available for the 25th SBI Academy.
 - 7. These applications were screened by SBI personnel for general qualifications and 80 candidates were selected for interview. Petitioner was one of 80 candidates selected for an interview.
 - 8. Interviews were conducted by two review boards. These boards were each led by a Special Agent in Charge and contained four other Special Agents assigned to the field.
 - 9. Each review board interviewed approximately 40 candidates. They asked standard predetermined questions of each candidate but had the latitude to ask follow up questions as deemed necessary.
 - 10. Each member of both review boards was directed to uniformly rate each candidate on a scale of 0 to 10, with 0 being the lowest score possible.
 - 11. At the conclusion of each interview, the candidate was given a writing test which was scored and factored, along with the interview score, into a total score.
 - 12. The top 25 scoring candidates proceeded to the next stage of the selection process which included physical and psychological evaluations, a polygraph examination and an extensive background check.
 - 13. A standard line of inquiry for all candidates for field agents positions concerned the willingness of the candidate to accept assignment anywhere in North Carolina.
 - 14. On Petitioner's application for employment (Petitioner's Exhibit P2), was the following question:

Will you accept work anywhere in North Carolina? Yes No (If no, list below the counties in which you would be willing to work.)
 - 15. Petitioner answered yes to the above question and then, contrary to the instructions, listed Madison, Buncombe, Haywood, Henderson and Rutherford as counties where he would be willing to work.
 - 16. Petitioner is a longtime resident of Buncombe County and the other four counties listed on the application are contiguous to Buncombe County.
 - 17. Petitioner was questioned about his willingness to work anywhere in North Carolina. The members of Petitioner's review board noted the incongruity in his application answer concerning his willingness to work anywhere in North Carolina.
 - 18. During the interview, Petitioner volunteered that he was a longtime resident of Buncombe County, that his wife was an Assistant Principal with the Asheville City School System for twenty years and that they had one child.

Petitioner also stated his most important decision in life was to get married.

19. Petitioner expressed reservations to the review board about moving because his family was so important to him.
20. Petitioner testified that if the position was anywhere other than Western North Carolina, he would have to think about whether he would accept the position.
21. Petitioner received the following interview scores: 8.5, 8.0, 7.0, 7.0, 6.5.
22. Petitioner's combined interview and writing sample score was 81.
23. Among Petitioner's qualifications for the position Special Agent were: his 18 years experience with the SBI as a DCI Training Specialist; his educational background, which included a bachelor's degree in history from U.N.C.A. and Basic Law Enforcement Certification (which requires over 500 hours of course work in law enforcement); and his work experience as a Reserve Officer for the Buncombe County Sheriff's Department. Petitioner testified that he also had served as a Reserve Officer with the Asheville Police Department for a number of years, but did not include this work experience on his application for employment as SBI Special Agent. Petitioner has also served in the military reserves for a number of years, and was retired from the reserves.
24. The Director of the SBI, James J. Coman, made the final selection of each of the candidates ultimately accepted into the Academy class. A number of the top 25 scoring candidates from the interview stage were not ultimately accepted into the Academy for a variety of reasons. At one point in the selection process, there was one slot left for a non-laboratory, field agent position. Director Coman asked that the next qualified minority applicant be selected for that final slot in the Academy. Applicant Julie Grant was selected for this final field agent slot.
25. Julie Grant, a black female applicant and the last member of the 25th SBI Academy Class to be chosen received a cumulative score of 79 from her interview and writing sample score.
26. Julie Grant was not a state employee at the time of her application.
27. Julie Grant did not express any reservations about her willingness to be assigned anywhere in the State of North Carolina.
28. Laboratory positions for the 25th SBI Academy were filled by a selection process similar to the field selection process but conducted by separate review boards comprised of laboratory personnel. Assignment anywhere within North Carolina is not a criteria for laboratory personnel as there are laboratory facilities in only Raleigh and Asheville. Positions for the Western Laboratory located in Asheville, are advertised separately so that an applicant knows the position posted is for Asheville.
29. Training SBI personnel at the SBI Academy costs roughly \$38,000 per person.
30. The cost of an applicant leaving during an academy or shortly thereafter goes beyond monetary costs. Academies are held when there are sufficient slots to justify an academy. The time between academies is a year or more at times. Therefore, an applicant who leaves an academy early or shortly after graduation vacates a slot that cannot be filled for a year or more.
31. Duty assignments for field agents are made at the close of the SBI Academy.

32. The SBI's policy for the assignment of field agents is based upon the needs of the SBI and the fact that no applicant is assigned back to the area he or she was living in at the time they were hired. The policy has been in place at least since 1970.
33. The SBI's policy is based upon the Bureau's desire that a recent SBI Academy graduate be assigned to a new area so that past associations will not potentially interfere with the performance of duty and to eliminate even the potential appearance of impropriety that comes from dealing with friends, relatives and past associates.
34. The unwillingness of an applicant for the field to be posted anywhere in the State of North Carolina is an automatic excluder which disqualifies a candidate from further consideration.
35. As a result of its policy regarding the posting of field agents anywhere in North Carolina, at the conclusion of the review board interview and writing test, the SBI did not consider the Petitioner to be a qualified candidate for employment with the SBI.
36. Evidence that the SBI's policy is uniformly applied can be found in the candidacy of Tressa Paul-Chavis, a black female candidate from Florida. Ms. Paul-Chavis was scored 97 on her review board and writing test. She was, at the time of her application, a full-time sworn law enforcement officer in Florida and expressed an interest in crime scene work, an area of particular need for the SBI.
37. As one of the top 25 candidates, Ms. Paul-Chavis, during her background investigation, expressed her need to work in either Wake or Durham Counties. Her unwillingness to be posted anywhere in the State of North Carolina automatically disqualified her as an applicant.
38. Captain Lee Farnsworth, head of personnel administration for the Buncombe County Sheriff's Department, testified as an expert in personnel and personnel policies involving law enforcement personnel.
39. Captain Farnsworth testified that it was his expert opinion that Petitioner was a substantially equally qualified candidate for admission to the 25th SBI Academy and for employment as a SBI Special Agent as Julie Grant.
40. Captain Farnsworth based his opinion on the applications, interview score sheets, and writing samples of Petitioner and Julie Grant, with the names of Petitioner and Grant redacted.
41. Captain Farnsworth admitted, however, that he did not consider the candidate's willingness to work anywhere in North Carolina. Thus, Farnsworth did not consider the matter which disqualified Petitioner from further consideration.
42. Farnsworth also admitted that because he knew and worked with the Petitioner, and that he based his opinion on factors outside the scope of the materials provided to him. Based upon those admissions, Farnsworth testified he could not be totally objective about the two candidates.
43. At no time was Petitioner compared with Julie Grant for the final slot in the 25th SBI Academy because he was no longer considered a qualified candidate at the time Grant was selected.
44. Petitioner, based upon a conversation with Assistant Director Ron Hawley, head of DCI, on January 26, 1995 felt age was a factor in his rejection from the 25th SBI Academy.
45. At the time of Petitioner's application, he was fifty-two years of age.

46. Assistant Director Hawley was not directly or indirectly involved in the selection process for the 25th SBI Academy Class and no one involved in the selection process discussed the process or Petitioner's application with Hawley.
47. There were applicants accepted into the 25th SBI Academy Class who were within the protected age group.
48. At no time did any member of the review board discuss Petitioner's age or in any way hold that against him. Indeed, the universal feeling of the review board which interviewed Petitioner and other members of the selection process was that age and the accompanying life experience was a benefit to a candidate.
49. Age was not a factor in Petitioner's rejection from the Academy.
50. Petitioner was notified by letter, postmarked January 23, 1995, that he was not accepted into the 25th SBI Academy Class.
51. This letter did not state that Petitioner had the right to appeal the decision to not accept him into the 25th SBI Academy Class and did not set forth the procedures to be followed to file a grievance or appeal the decision.
52. Petitioner consulted with counsel and at the request of counsel, sought to obtain a copy of the Department of Justice Internal Grievance Procedure on February 22, 1995.
53. On February 22, 1995, Petitioner located a copy of the Department of Justice Internal Grievance Policy behind the receptionist's desk at the Asheville Office of the SBI. This copy of the Grievance Policy had been faxed to the Asheville Office of the SBI on January 31, 1995.
54. On February 22, 1995, Petitioner took a copy of the Grievance Policy to his counsel and it contained the department grievance procedure and Petitioner's appeal rights.
55. On March 10, 1995, Petitioner initiated a formal grievance pursuant to the Department of Justice Internal Grievance Procedure, by sending a letter to Gayle Green, Personnel Director, in which Petitioner alleged that Petitioner had been denied acceptance into the 25th SBI Academy Class in violation of his statutory right to priority consideration as a state employee, pursuant to N.C. Gen. Stat. § 126-7.1(c) and that his rejection constituted discrimination on the basis of Petitioner's age.
56. On March 21, 1995, Petitioner was notified in writing by letter from his supervisor, Nancy Kisenhofer, that his grievance did not comply with the grievance procedures because it was not timely filed. The letter further indicated that Ms. Kisenhofer had discussed the decision that Petitioner had not complied with the grievance procedures with Personnel Director Gayle Green, Assistant Director Ron Hawley and Director James J. Coman.
57. On April 6, 1995, Petitioner filed a Petition for a Contested Case Hearing with the Office of Administrative Hearings.
58. Respondent filed motions to dismiss and for summary judgment on the grounds that the Petition had not been timely filed. Arguments of counsel were heard on this issue in late 1995.
59. By Order dated December 8, 1995, the undersigned held that "since the Respondent did not provide the Petitioner with notice of his appeal rights and the appeal procedure, it cannot, at this juncture, raise the time limitation as a bar to the Petitioner's right to proceed with this contested case hearing," and denied Respondent's motions to dismiss and for summary judgment.

60. During the contested case hearing, Respondent, by and through its counsel, moved the Court to dismiss Petitioner's case at the conclusion of Petitioner's evidence on the following grounds:
- a. Petitioner's petition for a contested case hearing was not timely filed and was filed before internal grievance procedures had been exhausted;
 - b. Petitioner had failed to put on any evidence of age discrimination and Respondent was entitled to judgment as a matter of law on this issue.
61. The undersigned reserved ruling on Respondent's motion to dismiss until the close of all the evidence.
62. At the conclusion of all the evidence, Respondent, through counsel, renewed its motion to dismiss on the grounds stated above and also moved to dismiss the claim that Petitioner's priority consideration rights had been violated.

Based on the foregoing Findings of Fact, the undersigned Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The undersigned has previously denied Respondent's pre-hearing motion to dismiss Petitioner's contested case by order dated December 8, 1995.
2. At the conclusion of the Petitioner's evidence, Respondent once again made a Motion to Dismiss the Petitioner's contested case. Said motion was renewed at the close of all the evidence.

**RESPONDENT'S MOTION TO DISMISS FOR FAILING TO TIMELY
FILE A CONTESTED CASE HEARING AND EXHAUST INTERNAL
GRIEVANCE PROCEDURES**

3. As set forth in the undersigned's Order of 8 December 1995, both N.C. Gen. Stat. §150B-23(f) and North Carolina case law require that the written notice of agency action and appeal rights be provided to a party simultaneously, if not in the same document, for the time limitations for employment-related grievances to begin to run. Although there is a thirty-day time limitation for the appeal by state employees of their employment related grievances, the thirty day time limitation does not begin to run until notice of the agency action and appeal rights is received. Luck v. Employment Security Commission, 50 N.C. App. 192 (1980). Respondent did not provide Petitioner with notice of his appeal rights and the appeal procedure, therefore it cannot raise the time limitation as a bar to Petitioner's right to proceed on the merits with this contested case. This Court's Order of 8 December 1995 remains the law of the case on this issue.
4. Further, N.C. Gen. Stat. §126-36.2(2) permits a career state employee, like Petitioner, who believes he was denied a promotion due to the failure of the agency to give him priority consideration pursuant to N.C. Gen. Stat. §126-7.1(c), to appeal directly to the State Personnel Commission. N.C. Gen. Stat. §126-36 permits a state employee who has reason to believe a promotion was denied him on the basis of age discrimination also to appeal directly to the State Personnel Commission. N.C. Gen. Stat. §126-34.1 permits a state employee to file in the Office of Administrative Hearings a contested case for alleged age discrimination and for alleged denial of a promotion for failure to give priority consideration. N.C. Gen. Stat. §126-34.1(2) and N.C. Gen. Stat. §126-34.1(5). Petitioner was not required to complete internal grievance procedures before filing a contested case with the Office of Administrative Hearings in this matter.
5. Therefore, Respondent's Motion to Dismiss for failure to timely file a contested case hearing and exhaust internal

grievance procedures is HEREBY DENIED.

RESPONDENT'S MOTION TO DISMISS AGE DISCRIMINATION CLAIM

6. Respondent's Motion to Dismiss the Petitioner's Claim of Age Discrimination was granted at the hearing as Petitioner failed to present any evidence of age discrimination other than Petitioner's "feeling" based upon a conversation with DCI Assistant Director Ron Hawley that age was a factor.

**VIOLATION OF N.C.G.S. 126-7. 1 (C) RIGHT TO PRIORITY
CONSIDERATION FOR CAREER STATE EMPLOYEE**

7. N.C. Gen. Stat. §126-7.1(c) requires that if a state employee applies for another position of state employment and has substantially equal qualifications as an applicant who is not a state employee, the state employee shall receive priority consideration over the non-state employee applicant. "Qualifications" within the meaning of N.C. Gen. Stat. §126-7.1(c) is defined in subsection (d) thereof as consisting of:
- (1) training or education;
 - (2) Years of experience; and
 - (3) Other skills, knowledge, and abilities that bear a reasonable functional relationship to the abilities and skills required in the job vacancy applied for.
- N.C.G.S. 126-7.1(d).
8. Petitioner was a "career state employee" within the meaning of the preference statute, N.C. Gen. Stat. §126-7.1. The position for which Petitioner applied, SBI Special Agent 1, was a "promotion" within the meaning of said statute.
9. Respondent's failure to choose Petitioner for a position in the 25th SBI Academy is based upon his stated unwillingness to be posted anywhere in North Carolina as required by SBI policy.
10. Once Petitioner stated his unwillingness to move, he was no longer a "qualified candidate." Therefore, N.C. Gen. Stat. §126-7.1(c) does not apply as Petitioner does not have "substantially equal qualifications" to Julie Grant or any other qualified candidate.

RECOMMENDED DECISION

The State Personnel Commission will make the Final Decision in this contested case. It is recommended that the Commission adopt the Findings of Fact and Conclusions of Law set forth above and uphold the Respondent's decision to exclude the Petitioner from 25th SBI Academy.

ORDER

It is hereby ordered that the agency serve a copy of the Final Decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statutes section 150B-36(b).

NOTICE

Before the agency makes the FINAL DECISION, it is required by North Carolina General Statutes section 150B-36(a) to give each party an opportunity to file exceptions to this RECOMMENDED DECISION, and to present written

arguments to those in the agency who will make the final decision.

The agency is required by North Carolina General Statutes section 150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the Parties' attorney of record.

This the 28th day of February, 1997.

Brenda B. Becton
Administrative Law Judge

Greensboro Communications Center to inform the Center and his superior officer and supervisors that he was involved in a possible vehicle chase. The petitioner continued to follow the vehicle in order to apprehend the suspects in a reasonable and prudent manner. However, when he was unable to do so, the petitioner informed the communications officer that he was definitely "10-43", i.e. involved in a chase.

4. The vehicle continued south and made an exit off Interstate 85 onto Hopewell Church Road at exit 108. The vehicle proceeded down the ramp and then accelerated to a high speed. The vehicle ran through the intersection at Hopewell and then again at NC 62, almost causing a collision. The driver proceeded on toward High Point in a reckless manner by passing in blind curves and at the crests of hilltops, again almost colliding with several vehicles. Because of the nature of the flight of the suspect and the nature of the suspect's operation of the vehicle, it did not appear reasonable to terminate the pursuit.
5. During the pursuit, the petitioner periodically called the communications officer to keep his superiors and other officers informed of his location and activities.
6. The chase then led into the city limits of High Point. The High Point Police Department attempted to provide assistance. The vehicle continued on through the High Point area and made several turns onto back streets. Several times the petitioner lost sight of the vehicle because the vehicle was not slowing for intersections or stoplights. The petitioner lost sight of the vehicle, but after continuing to follow the route of the suspect vehicle, the petitioner again located the vehicle which the suspect continued to drive erratically and dangerously. As a result of the suspect's actions, it did not appear that the suspect would be apprehended unless the petitioner continued his pursuit. After losing sight of the suspect's vehicle again because of slowing and stopping his patrol vehicle at intersections, the petitioner observed two of the vehicle occupants exit the vehicle beside a house. The driver then accelerated the vehicle very rapidly and recklessly and left the area at a high rate of speed. The petitioner followed and continued his pursuit in order to stop the vehicle. The suspect continued to operate the vehicle in a very reckless and dangerous manner, several times crossing major highways without stopping.
7. The pursuit then led into another area of High Point. The chase continued for several more minutes before the High Point Police Department resumed the chase.
8. At this time the petitioner dropped back as a secondary unit behind the High Point police officers. The chase continued on for several more minutes as the suspect ran through stoplights and intersections. The vehicle took Fairfield Drive back to US 311, where the vehicle made a right onto US 311 toward Archdale. At this time the High Point police unit was still the primary chase vehicle.
9. Trooper William J. Grey, whose cruiser was equipped with a video camera, traveled from his location near Greensboro to High Point. When approaching US 311 and NC 62, the suspect vehicle made a left turn onto NC 62 East. The High Point police unit stopped the chase. The petitioner came up behind the vehicle as the primary pursuit car. Trooper W. J. Grey fell in behind the petitioner.
10. The vehicle made a right turn onto a side street and continued a short distance before making two left turns and coming back onto NC 62. The suspect vehicle made a right on NC 62 and headed back toward Interstate 85. The vehicle ran several cars off the road and almost caused several near head-on collisions. Once the vehicle returned to Interstate 85 business, the petitioner continued pursuit. The suspect vehicle reached extremely high speeds. When they believed that they could safely do so, Trooper Grey and the petitioner attempted several times to pass the vehicle but the suspect attempted to ram the patrol vehicles.
11. The vehicle made an exit onto US 29-70 South from I 85. Due to positioning after the vehicle made an exit, two

other Highway Patrol vehicles entered the chase briefly. The suspect vehicle slowed dramatically, which allowed the petitioner and Trooper Grey to catch back up to the vehicle. The vehicle continued south on US 29-70 and came upon a paved temporary section in the median. The suspect vehicle crossed over into the northbound lane and headed south. The vehicle reached speeds in excess of one hundred miles per hour.

12. As a result of a near head-on collision, the suspect vehicle slowed and the petitioner and Trooper Grey nearly apprehended the suspect. The suspect eluded them again and fled. The suspect vehicle continued traveling south in the northbound lanes of the highway, NC 29/Business 85. Trooper Grey used his blue light, alternating headlights, emergency flashers and siren to warn oncoming traffic of the pursuit.
13. From the testimony and viewing of the video tape, it is clear that Trooper Grey's actions and those of the petitioner's saved the lives of innocent motorists. Trooper Grey's following behind the suspect vehicle with his emergency equipment activated was a great assistance to on-coming traffic in that it alerted the drivers who would otherwise have been unwarned about the danger of an oncoming car.
14. The suspect vehicle continued on US 29 at a high rate of speed. The petitioner called the Communications Center to get permission from the Troop Commander to "take the vehicle out". The petitioner's first request was denied by his superior, Captain D. G. King, who had been monitoring and supervising the chase by means of the telecommunications between the petitioner and the telecommunications officer. The fleeing vehicle continued to travel southbound in northbound lanes. The Petitioner again requested permission to "take the vehicle out" since the vehicle was traveling at high rates of speed and nearly collided head-on with vehicles traveling lawfully within the northbound lanes. The petitioner determined that the actions of the driver of the fleeing vehicle constituted an assault with a deadly weapon since the lives of motorists were endangered. He informed the telecommunicator that if the suspect was not taken off the road, ambulances needed to be dispatched because it was apparent that someone would likely be killed. The petitioner's second request to take the vehicle out was granted; the telecommunicator told the petitioner to "take the suspect out at all costs." The petitioner asked for the telecommunicator to repeat the directive and asked by whose authority the directive was given. The directive was repeated and the petitioner was told that "111", Captain King, had authorized the transmission.
15. After traveling several more miles and several unsuccessful attempts to stop the suspect through bumping the vehicle with the patrol cruiser, the petitioner drew his service weapon. Before firing his weapon, he allowed traffic to pass and waited until there was a clear opportunity to act. Then, he fired two shots at the vehicle, waited for more traffic to pass, and fired two more shots. He hit the suspect vehicle with three of the four shots fired. Immediately, as if seeking an avenue of escape, the fleeing vehicle accelerated and exited the highway using an entrance ramp. Oncoming motorists were safe! Trooper Grey pursued and ultimately, by intentionally ramming the suspect vehicle, caused it to leave the roadway and come to rest against a ditch embankment.
16. The petitioner acted in a proper, reasonable and prudent manner.
17. The petitioner communicated with the telecommunications center, and, from time to time, with Trooper Grey. Petitioner adequately supervised Trooper Grey.
18. Moreover, neither the petitioner's supervisors nor the telecommunications center directed or suggested that the pursuit was inappropriate or that it should have been conducted in a different manner or terminated.

CONCLUSIONS OF LAW

1. The petitioner acted in accordance with GS 15A-401(d) which provides for law enforcement officers to use force:

1. ... upon another person when and to the extent that he reasonably believes that it necessary:
 - (a) to prevent the escape from custody or to effect an arrest of a person who he reasonably believes has committed a criminal offense, unless he knows that the arrest is unauthorized; or
 - (b) to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
2. A law enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:
 - (a) to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;
 - (b) to effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who, by his conduct, or any other means, indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
 - (c) to prevent the escape of a person from custody imposed upon him as a result of conviction of a felony.

Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

2. The respondent did not properly demote the petitioner for the following reasons:

petitioner properly conducted the chase of a vehicle operated by James McKissick under the supervision of his superiors, including Captain King;

petitioner effectively supervised Trooper Grey during the conduct of the chase and properly interacted with the High Point Police; and

after pursuing a vehicle for speeding and reckless driving, petitioner used reasonable force by firing his service weapon from his patrol vehicle across a thirty foot median at the violator's vehicle while both vehicles were traveling at approximately ninety miles per hour. The petitioner, using excellent aim, struck the fleeing vehicle with three of four shots and forced the vehicle to exit from the highway on which the vehicle was traveling in the wrong direction.

3. The petitioner did not engage in inappropriate conduct.

RECOMMENDED DECISION

It is hereby recommended that respondent's decision to demote the petitioner on February 8, 1996, for inappropriate

conduct, be reversed for lack of just cause. It is further recommended that petitioner be reinstated to the rank held by the petitioner prior to February 8, 1996.

NOTICE

The agency making the final decision in this contested case is the State Personnel Commission. It will give each party an opportunity to file exceptions to this recommended decision and to present written arguments. The agency will serve a copy of the final decision on all parties, the attorneys of record and the Office of Administrative Hearings.

This the 28th day of February, 1997.

Robert Roosevelt Reilly, Jr.
Administrative Law Judge

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 OSP 0983

JAMES M. STOKES, III

Petitioner,

v.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Respondent.

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RECOMMENDED DECISION

This matter came on for hearing on January 29, 1997, in New Bern, North Carolina, before Administrative Law Judge Dolores O. Smith.

APPEARANCE

For Petitioner: David P. Voerman
Attorney at Law
P. O. Box 12385
50 Shoreline Drive
New Bern, North Carolina 28562
Attorney for Petitioner

For Respondent: Robert Crawford
Assistant Attorney General
N. C. Department of Justice
P. O. Box 629
Raleigh, North Carolina 27602-0629
Attorney for Respondent

ISSUES

1. Did Respondent have just cause to dismiss Petitioner?
2. Did Respondent follow proper procedure in the dismissal of Petitioner?

STATUTE AND RULE IN ISSUE

N.C. Gen. Stat. 126-35

EXHIBITS

For Petitioner: P1b, P1c, P1d, P1e, P2 a-g, P5, P6.

For Respondent: R#1, R#2, R#3, R#4, R#6, R#7, R#8, R#9.

STIPULATION AGREEMENTS

1. It is stipulated that all parties are properly before the Office of Administrative Hearings (OAH) and that OAH has jurisdiction of the parties.

2. It is stipulated that all parties have been correctly designated, and there is no question as to misjoinder or nonjoinder of parties.

3. In addition to the other stipulations contained herein, the parties stipulate and agree with respect to the following undisputed facts:

a. Petitioner has been employed by the Department of Transportation as follows:

<u>Dates</u>	<u>Position</u>	<u>Grade</u>
9/86-2/89	Construction Technician Trainee	NGT
2/89-2/91	Construction Technician I	61
2/91-4/96	Transportation Technician II	65

b. Beginning October 17, 1995, Petitioner was assigned as a project inspector on Project No. 6.211001 in Pamlico-Craven County (hereinafter referred to as the "Minnesott Beach Project" or the "Project"). Th Project consisted of constructing a new ferry ramp, bulkhead, and associated facilities at the Minnesott Beach and Cherry Branch ferry docks.

4. On Friday, March 22, 1996, at approximately 3:00 p.m., John Edwards, Assistant Resident Engineer, advised petitioner by telephone that petitioner's presence on the Project would be required the following morning to assist with the inspection of the painting of the new ramp.

5. On Saturday, March 23, 1996, at approximately 7:30 a.m., Mr. Edwards arrived at the Minnesott Beach Project and assisted in the required inspection work.

6. On Monday, March 25, 1996, at 5:00 p.m., Dwayne Alligood, Resident Engineer, informed Petitioner that he was being placed on investigation with pay pending a Pre-disciplinary Conference.

7. By memo dated March 26, 1996, Petitioner was advised that a Pre-disciplinary Conference would be held on March 29, 1996, to consider his dismissal for failure to follow a proper assignment by his supervisor on March 22 (to report to work on Saturday, March 23, 1996).

8. On March 29, 1996, Mr. Alligood conducted a Pre-disciplinary Conference.

9. Mr. Alligood advised Petitioner by letter dated April 1, 1996, that he was dismissed effective that date for insubordination. Petitioner was advised of his appeal rights to the DOT personnel director.

10. Petitioner appealed his dismissal in accordance with DOT's internal grievance procedures.

11. On June 13, 1996, a hearing was held before a five member employee relations committee.

12. by letter dated June 25, 1996, Deputy Secretary Daniel H. DeVane affirmed the decision to dismiss Petitioner. Petitioner was further advised of his appeal rights to the office of Administrative Hearings.

13. It is stipulated that the procedures to be followed in this matter are found in Chapter 150B, Article 3, of the North Carolina General Statutes, Title 26, Chapter 3, of the North Carolina Administrative Code, and the North Carolina Rules of Civil Procedure.

14. The following is a list of all known exhibits Petitioner may offer at the hearing:

1. Inspector's Daily Report
2. Performance Appraisal Review
3. Employee Personal Interview Statement U.S. DOL
4. NC DOT Field Payroll Worksheet/Job Report
5. Any exhibit identified, listed or introduced by Respondent

15. It is stipulated and agreed that Respondent has been furnished a copy of each exhibit identified thus far by the Petitioner, and will receive copies of any exhibits hereafter designated for use.

16. It is stipulated and agreed that each of the exhibits identified by Petitioner is genuine and, if relevant and material, may be received into evidence without further identification or proof.

17. The following is a list of all known exhibits Respondent may offer at the hearing:

1. Inspector's Daily report for March 23, 1996, signed by James M. Stokes, III.
2. Letter dated March 26, 1996, to Petitioner from Dwayne Alligood, suspending Petitioner with pay.
3. Memo dated March 26, 1996, to Petitioner from Dwayne Alligood, notifying Petitioner of the Pre-disciplinary Conference.
4. Letter dated April 1, 1996, to Petitioner from Dwayne Alligood, dismissing Petitioner from state employment.
5. Letter dated June 25, 1996, to Petitioner from Daniel H. DeVane, upholding the Petitioner's dismissal.
6. John R. Edwards' written statement dated April 23, 1996.
7. William S. Elliott, Jr.'s written statement dated April 23, 1996.
8. Dwayne H. Alligood's written statement dated April 23, 1996.
9. Resident Engineer's Office Dayminder (March 21-27, 1996).
10. Any exhibit identified, listed or introduced by Petitioner.

18. It is stipulated and agreed that Petitioner has been furnished a copy of each exhibit identified thus far by the Respondent and will receive copies of any exhibits hereafter designated for use.

19. It is stipulated and agreed that each of the exhibits identified by Respondent is genuine and, if relevant and

material, may be received into evidence without further identification or proof.

20. The following is a list of the names of all known witnesses Petitioner may offer at trial:

Andy Tomlin, Atlantic Diving;
Dwayne Alligood, Resident Engineer;
Rhonda Barnes, Processing Assistant;
Jerry Singleton, Engineer;
Angela Goodwin;
John Wolfe, Jr., Engineer.

21. The following is a list of the names of all known witnesses Respondent may offer at trial:

Ed Lathan, Division Construction Engineer;
Andy Brown, Division Maintenance Engineer;
Dwayne H. Alligood, P.E., Resident Engineer;
John R. Edwards, Jr., Assistant Resident Engineer;
William S. Elliott, Jr., Transportation Tech. IV;
Alan Edwards, Transportation Tech. I;
Rhonda Barnes, Processing Assistant;
H.L. Davis, P.E., Bridge Construction Engineer.

22. The Respondent contends that the contested issue to be tried by the Administrative Law Judge is:

Whether Respondent dismissed Petitioner for unacceptable personal conduct (insubordination) without just cause in violation of N.C. Gen. Stat. §. 126-35.

23. The Petitioner contends that the contested issues to be tried by the Administrative Law Judge include the following additional issue:

Whether or not the Respondent dismissed Petitioner in retaliation for his filing a claim for overtime compensation under state and wage hour laws?

24. Counsel for the parties announced that all witnesses are available and the contested case is in all respects ready for hearing. The probable length of the hearing is two days.

25. Counsel for the parties announced that there has been a full and frank discussion of settlement possibilities. counsel will immediately notify the Administrative law Judge in the event of a material change in settlement prospects.

STATEMENT OF THE CASE

At the call of the case, the Respondent Moved to Dismiss the issue of retaliation. Respondent argued that the retaliation protected by the State Personnel Act is retaliation for engagement in a protected activity, i.e., activity opposing illegal discrimination. Respondent further argued that filing a wage and hour claim is not a protected activity under the State Personnel Act.

While G.S. 126-85, commonly known as the "whistle blower" statute, is followed by a provision protecting State employees from retaliation, that statute clearly enunciates that the forum for filing claims of retaliation is Superior Court.

(G.S. 126-86).

Based upon these and other considerations presented at the arguments on the Motion, the undersigned Orders that the Respondent's Motion to Dismiss the issue of retaliation is **ALLOWED**.

Based upon careful consideration of the testimony and evidence presented at the hearing, the documents and exhibits received into evidence, and the entire record in this proceeding, the undersigned makes the following:

FINDINGS OF FACT

1. Petitioner was a Transportation Technician II with the North Carolina Department of Transportation (DOT) and was a permanent State employee.
2. On April 1, 1996, Petitioner was dismissed for insubordination.
3. Petitioner has been employed at DOT for 11 years and has been a Transportation Tech II for five years. In the Spring of 1996, Petitioner was assigned to the Minnesott Beach Project.
4. The Transportation Technicians are assigned by the Resident Engineer as "Inspectors" to all construction projects undertaken by the State. The Inspector assigned to a project is to be on the site at all times when the contractor is working.
5. Dwayne Alligood, the Resident Engineer in the New Bern Office, testified that he assigned Technicians to the various projects undertaken by DOT in his District. He testified that he had originally assigned Petitioner to another project but that Petitioner told him that he did not get along with the supervising Technician on that project. Mr. Alligood then moved another Technician off the Minnesott Project and assigned Petitioner there.
6. Hank Davis, a DOT Bridge Construction Engineer, was responsible for the Minnesott Project in March of 1996. Petitioner was supervised by Mr. Davis. Mr. Davis testified that Petitioner was very dissatisfied because Petitioner believed that he was working at a high level of responsibility and was not being paid accordingly.
7. John Edwards, Assistant Resident Engineer, was Petitioner's direct line supervisor on the Minnesott Project at all times in issue.
8. Petitioner testified that prior to his dismissal, a Tech III position became vacant and, although he waited for the opportunity to apply for this promotion, the position was never posted. Petitioner believed that the Respondent had both the position and the money and could have promoted him into it if they chose to. Petitioner did not, in fact, know what had happened to the vacant Tech III position and Respondent offered no evidence on this.
9. The Minnesott Project had not had much weekend work up to the weekend at issue. During the week, the contractor had arranged for a sub-contractor to come to the site to paint marine pylons, which was a specialty job. The sub-contractor did not appear on Thursday or Friday as planned. On Friday, the contractor contacted the subcontractor and arranged for them to come to the site on Saturday. Petitioner was then required to be at the project on Saturday.
10. The Raleigh DOT office was sending another Inspector, Sunny Seagrove, who specialized in this type of painting, to oversee the work.'
11. On Friday, March 22, 1996, Petitioner told Mr. Edwards that he had a conflict on that Saturday since he

had arranged for carpet installation in his home. Although his girlfriend was to be at the home, he did not want the carpet installers there unless he was present. Mr. Edwards said it would be alright for Petitioner to get to the project and to see that Mr. Seagroves was on site. Mr. Edwards said that Petitioner could then leave and probably would only be at the project for a couple of hours.

12. Petitioner testified that Mr. Edwards had agreed to let him come to the site Saturday morning and leave early, but he had also agreed to attempt to find a substitute for Petitioner.

13. During their conversation, Petitioner began to tell Mr. Edwards that he was dissatisfied with his compensation and that he was working higher than his paygrade. Mr. Edwards said that they had had that conversation many times and he informed Petitioner, as he had before, that he did not have the authority to give him a raise. Petitioner said that he did not believe that. Mr. Edwards said, "Are you calling me a liar?" Petitioner replied, "No, but..." At that point, Mr. Edwards hung up the phone.

14. William S. Elliott, a Tech IV with DOT, testified that on Friday, March 22, 1996, in the late afternoon, Mr. Edwards came into the regional office and said he was leaving for the day. He said that he had had a disagreement with Petitioner.

15. At 4:00 p.m., Petitioner also came into the office. He put his equipment in the equipment room and dropped his keys on Mr. Elliott's desk. He said, "I quit,"

16. Petitioner told Mr. Elliott that it would take a ten percent raise to get him back. Petitioner said if they need someone on Monday, they'd better get someone. Mr. Elliott asked if he was serious and Petitioner said he wanted a ten percent raise.

17. Mr. Alan Edwards testified that Petitioner told him that Friday afternoon that he was tired of doing Tech IV work for no pay "...and then Edwards hangs up on the phone on me." Petitioner said he was getting third world wages and he had had enough. Mr. Alan Edwards testified that he asked petitioner if he'd see him on Monday and Petitioner said, "I don't know."

18. Petitioner testified that he put his keys on Mr. Elliott's desk because he always did that and also because he had arranged for Matt Shacklee to work for him on Monday and Matt would need the keys.

19. Petitioner testified that he told Mr. Elliott that he was not going back to work on Minnesott but that he did not say he quit. He also told him that he had a doctor's appointment for Monday.

20. After Petitioner left, Mr. Elliott called Mr. Edwards at his home. He told Mr. Edwards that Petitioner had just quit and Mr. Edwards told him to reach Dwayne Alligood and to find someone for Saturday at Minnesott.

21. Mr. Elliott tried to find a replacement but could not. Mr. Edwards subsequently went to Minnesott himself to cover the Saturday workday.

22. Mr. Edwards testified that he then arranged for Matt Shacklee to replace Petitioner on Monday.

23. When Mr. Edwards went to the project that Saturday he learned that the subcontractor would have to work on Sunday as well. Mr. Edwards went to the project site again on Sunday.

24. Andy Tomlin, the contractor at the Minnesott Project, testified that Petitioner told him that he would be

unable to be there for very long on Saturday.

25. Petitioner later called Mr. Tomlin at home on Friday night and told him that he had had an argument with John Edwards. He stated that Sunny Seagroves was going to be at the site on Saturday and that Petitioner would also come there to be sure they had coverage since the contractor is not allowed to work without a State inspector present.

26. Mr. Tomlin testified that Petitioner said he had told Mr. Edwards that he wanted a raise or he would not be back.

27. On Monday morning, Mr. Tomlin received a call on his car phone from Petitioner. Mr. Tomlin told him that the subcontractor had worked both Saturday and Sunday.

28. Petitioner expressed surprise that they had worked on Sunday. Petitioner further asked Mr. Tomlin if he needed any further information about the project and Mr. Tomlin replied that he did not. He stated that he was taking a "sick" day that Monday and there he was going to see his attorney.

29. Petitioner had received two telephone calls over the weekend from co-workers. both callers told him that he was going to be asked to submit his resignation or he would be fired.

30. Petitioner did not call anyone from work over the weekend.

31. Petitioner testified that he was not overly concerned when two workers called him over the weekend because there had frequently been a lot of rumors going around the office and he didn't take them seriously.

32. Petitioner testified that he had a doctor's appointment on Monday morning and that since he had previously arranged for Matt Shacklee to cover the project for him on Monday, he went to his doctor's appointment.

33. When he went to his doctor's appointment, he learned that his appointment was for the following Monday. Petitioner also went to his attorney's office.

34. The Transportation Technicians are requested to sign out in a book kept at Rhonda Barnes desk whenever they are going to need time off. Petitioner had not signed out for that Monday but had, in fact, signed out for the following Monday morning for a doctor's appointment.

35. On Monday Morning, Mr. Alligood asked Ms. Barnes to call Petitioner and tell him to send in his letter of resignation. Ms. Barnes did this.

36. Petitioner then called Mr. Alligood and told him that he had not meant to quit. Mr. Alligood told him to come in for a meeting which Petitioner did.

37. At that meeting, Petitioner told Mr. Alligood that he would not go back to the Minnesott Project unless he got a ten percent raise. Petitioner said that Mr. Elliott misunderstood him when he said he was quitting and that he only meant to quit the Minnesott Project. Petitioner left for the day and Mr. Alligood told him to come in on Tuesday morning.

38. During the day on Monday, Personnel was informed of the incident. Mr. Alligood was called and told that Petitioner was not to return to work but was to be placed on investigatory suspension with pay. Mr. Alligood called Petitioner and told him this.

39. Subsequently, Petitioner was contacted and told to attend a Predisciplinary Conference.

40. At the conference, Petitioner told Mr. Alligood that he had driven by the project on Saturday but when he saw Mr. Edwards there he did not stop as he did not want to have another disagreement with him.

41. Petitioner also told Mr. Alligood that he would have to have a ten percent raise to return to the Minnesott Project.

42. Mr. Davis testified that Tech I and Tech II employees are used throughout the State on many projects, even though, if manpower permitted, a Tech III might be suitable for those projects.

43. Mr. Edwards testified that the Transportation Technicians are occasionally required to work overtime. The policy is that they will receive compensatory time for any hours between 40 and 50, and they will receive overtime pay for any hours over 50 in a given week.

44. Mr. Edwards testified that, although he and Petitioner had disagreements over wages, Mr. Edwards had never had any complaints about Petitioner's work performance.

45. Petitioner testified that Minnesott was a difficult project in that there were a lot of subcontractors and a lot of administration and paperwork.

46. Subsequently, Mr. Alligood recommended that Petitioner be dismissed.

47. A dismissal letter was then sent to Petitioner stated the following:

After careful consideration of all the information available to me, including your comments at the Predisciplinary Conference held on Friday, March 29, 1996, I have decided to follow the recommendation to dismiss you due to your insubordination on Friday, March 22, 1996, and continuing through Monday, March 25, 1996. Following are the acts that occurred:

1. On Friday March 22, 1996, you were directed to report to work on Saturday March 23, 1996.
2. You did not report to work on Saturday, March 23, 1996.
3. You did not report to work on Sunday, March 24, 1996.
4. You did not report to work on Monday, March 25, 1996, until 10:30 a.m.

Your dismissal is effective as of the date of this letter.

48. 25 NCAC 1B .0431 provides:

The State Personnel Commission shall order reinstatement from dismissal or demotion only upon a finding of lack of substantive just cause (25 NCAC 1J .0604) or discrimination prohibited by N.C. Gen. Stat. 126-16 or 126-36. For the purpose of this Rule, and in addition to those matters listed in 25 NCAC 1J .0604, failure to issue the required number and kind of warnings or other disciplinary actions prior to dismissal for unsatisfactory job performance shall also be considered to constitute a lack of substantive just cause.

49. 25 NCAC 1B .0432(b) provides:

- (b) Failure to give specific reasons for dismissal, demotion or suspension without pay shall be deemed a procedural violation. The Personnel Commission, in its discretion, may award back pay, attorney's fees, or both for such a violation. Back pay or attorney's fees, or both, may be awarded for such a period of time as the Commission determines, in its discretion, to be appropriate under all the circumstances.

Based upon the above Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. It has been found as fact that Petitioner told Mr. Elliott that he quit and would not come back without a ten percent raise. It is not credible that Petitioner quit only the Minnesott Project, but even if that were the case, Petitioner's position of leaving a project as it was under construction and demanding a raise is insubordination and constitutes just cause for his termination.

2. Petitioner's failure to report to work on Saturday, failure to report to work on Sunday, and reporting to work at 10:30 a.m. on Monday, standing alone, does not, however, constitute insubordination. However, refusal to return to work without a raise and leaving a project uncovered after a direct order to be present, does constitute insubordination. Thus, it is the totality of the facts as outlined above which, indeed constitutes insubordination and just cause. These facts, however, were not part of the letter of dismissal.

3. The letter alludes to insubordination which went from Friday to Monday, but it does not specifically enumerate the facts as outlined above. Indeed, Petitioner's insubordination appears to have continued for a full week, since at the predisciplinary conference he still took the position that he must have a ten percent raise to return to work.

4. Based upon full consideration of all of the above, it is concluded that Respondent did have just cause to terminate Petitioner.

5. It is further concluded that Respondent did not clearly outline the reasons for petitioner's termination in the dismissal letter.

6. It is concluded that this is a procedural violation in accordance with 25 NCAC 1B .0432(b).

7. It is concluded that this procedural violation is not serious enough to constitute a lack of substantive just cause.

RECOMMENDATION

It is recommended in accordance with the provisions of 25 NCAC 1B .0432(b) that the Respondent affirm the decision to terminate Petitioner, that the Petitioner be awarded one week back pay and reasonable attorneys fees for the procedural violation.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the office of Administrative Hearings, P.O.

Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina State Personnel Commission.

This the 3rd day of March, 1997.

Dolores O. Smith
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
		Mortuary Science	34
*21	Occupational Licensing Boards	Nursing	36
22	Administrative Procedures	Nursing Home Administrators	37
23	Community Colleges	Occupational Therapists	38
24	Independent Agencies	Opticians	40
25	State Personnel	Optometry	42
26	Administrative Hearings	Osteopathic Examination & Reg. (Repealed)	44
27	NC State Bar	Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

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This index provides information related to notices, rules and other documents published in the Register. The information provided below includes notices and rules published on or after December 1, 1995 and will be cumulative through March 1997. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0101	11:18 NCR 1368									
21 NCAC 01 .0301		10:22 NCR 2860	Temp. Expired							
21 NCAC 01 .0702			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0703			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0704			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0705	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		11:04 NCR 220	
21 NCAC 01 .0706			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0707			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0709	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		11:04 NCR 220	
21 NCAC 01 .0710			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0711			10:16 NCR 2027	*	Approve	01/16/97	*			

ADMINISTRATIVE HEARINGS

Hearings Division

26 NCAC 03 .0301	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			11:16 NCR 1291	
26 NCAC 03 .0302	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			11:16 NCR 1291	
26 NCAC 03 .0303	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			11:16 NCR 1291	
26 NCAC 03 .0304	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			11:16 NCR 1291	
26 NCAC 03 .0305	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			11:16 NCR 1291	

Rules Division

26 NCAC 02C	11:19 NCR 1413									
26 NCAC 02C .0102	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			11:20 NCR 1569	
26 NCAC 02C .0103	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		11:20 NCR 1569	

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26 NCAC 02C .0111	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			11:20 NCR 1569	
26 NCAC 02C .0307	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		11:20 NCR 1569	
26 NCAC 02C .0401	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		11:20 NCR 1569	
26 NCAC 02C .0502	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		11:20 NCR 1569	
ADMINISTRATION										
1 NCAC 39 .0101	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96				
1 NCAC 39 .0201	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96				
State Building Commission										
1 NCAC 30G .0101	11:04 NCR 194		11:19 NCR 1414	*						
1 NCAC 30G .0102	11:04 NCR 194		11:19 NCR 1414	*						
1 NCAC 30G .0103	11:04 NCR 194		11:19 NCR 1414	*						
1 NCAC 30G .0104	11:04 NCR 194		11:19 NCR 1414	S/L						
1 NCAC 30G .0105	11:04 NCR 194		11:19 NCR 1414	S/L						
AGRICULTURE										
2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review Approve	12/19/96	*		11:22 NCR 1717	
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review Approve	12/19/96	*		11:22 NCR 1717	
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review Approve	12/19/96	*		11:22 NCR 1717	
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:22 NCR 1717	
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	

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2 NCAC 52B .0212 11:14 NCR 1107 11:22 NCR 1709 *

2 NCAC 52B .0303 11:14 NCR 1107 11:22 NCR 1709 *

2 NCAC 52C .0701 11:14 NCR 1107 11:22 NCR 1709 *

Marketing Authority

2 NCAC 43F .0003 11:14 NCR 1107 11:22 NCR 1706 *

2 NCAC 43H .0001 11:14 NCR 1107 11:22 NCR 1706 *

2 NCAC 43H .0007 11:14 NCR 1107 11:22 NCR 1706 *

2 NCAC 43L .0202 11:14 NCR 1107 11:22 NCR 1706 *

2 NCAC 43L .0401 11:14 NCR 1107 11:22 NCR 1706 *

2 NCAC 43L .0402 11:14 NCR 1107 11:22 NCR 1706 *

2 NCAC 43L .0403 11:14 NCR 1107 11:22 NCR 1706 *

2 NCAC 43L .0405 11:14 NCR 1107 11:22 NCR 1706 *

Plant Conservation Board

2 NCAC 48F .0301 11:07 NCR 407 11:11 NCR 883 *

2 NCAC 48F .0302 11:07 NCR 407 11:11 NCR 883 *

2 NCAC 48F .0304 11:07 NCR 407 11:11 NCR 883 *

2 NCAC 48F .0305 11:07 NCR 407 11:11 NCR 883 *

2 NCAC 48F .0306 11:07 NCR 407 11:11 NCR 883 *

Structural Pest Control

2 NCAC 34 .0503 11:21 NCR 1651

2 NCAC 34 .0602 11:21 NCR 1651

2 NCAC 34 .0604 11:21 NCR 1651

2 NCAC 34 .0605 11:21 NCR 1651

AUCTIONEERS LICENSING BOARD

21 NCAC 04B .0202 11:18 NCR 1368

COMMERCE

4 NCAC 01E 11:09 NCR 569

4 NCAC 01F 11:09 NCR 569

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4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									
Community Assistance										
4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						

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4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1900	11:09 NCR 569		11:14 NCR 1113	*						
Credit Union Division										
4 NCAC 06C .0205	10:18 NCR 2398									
4 NCAC 06C .0407	10:18 NCR 2398									
4 NCAC 06C .0409	10:18 NCR 2398									
Energy										
4 NCAC 12C .0007					Approve	07/18/96			11:10 NCR 843	
State Ports Authority										
4 NCAC 13A .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0105	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0203	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0204	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13B .0001	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0002	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0003	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0004	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0005	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13C .0001	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13D .0101	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0101	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0102	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0103	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0201	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0202	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0301	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0302	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0401	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0402	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0403	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0404	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0405	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0501	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0502	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0601	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0602	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0603	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0701	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0702	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0801	10-24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0803	10-24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13E .0901	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0902	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F .0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*						
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23 NCAC 01A .0001	11:18 NCR 1369									
23 NCAC 01B .0001					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0004					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0005					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0008					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 02C .0108	11:18 NCR 1369									
23 NCAC 02C .0202	11:18 NCR 1369									
23 NCAC 02C .0207	11:18 NCR 1369									
23 NCAC 02C .0304					Object	01/16/97				Notice Not Required
23 NCAC 02C .0305	11:18 NCR 1369				Approve	02/20/97	*		11:24 NCR 1832	
23 NCAC 02C .0604	11:18 NCR 1369									
23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369									
23 NCAC 02D .0104										
23 NCAC 02D .0201	11:18 NCR 1369				Approve	01/16/97				Notice Not Required
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369								11:22 NCR 1717	Notice Not Required
23 NCAC 02D .0203	11:18 NCR 1369									
23 NCAC 02D .0301	11:18 NCR 1369									
23 NCAC 02D .0323	11:18 NCR 1369									
23 NCAC 02D .0324	11:18 NCR 1369									
23 NCAC 02D .0325	10:24 NCR 3058									
			11:09 NCR 585	*	Approve	11/21/96	*		11:19 NCR 1449	

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23 NCAC 02D .0327 11:18 NCR 1369
 23 NCAC 02E .0101 11:18 NCR 1369
 23 NCAC 02E .0102 11:18 NCR 1369
 23 NCAC 02E .0201 11:18 NCR 1369
 23 NCAC 02E .0203 10:24 NCR 3058
 23 NCAC 02E .0203 11:18 NCR 1369
 23 NCAC 02E .0204 11:18 NCR 1369
 23 NCAC 02E .0205 11:18 NCR 1369
 23 NCAC 02E .0501 11:18 NCR 1369
 23 NCAC 02E .0604 11:18 NCR 1369
 23 NCAC 03A .0113 10:24 NCR 3058

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14A NCAC 07 .0313 11:24 NCR 1818

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7 NCAC 05 .0202 10:18 NCR 2398
 7 NCAC 05 .0203 10:18 NCR 2398
 7 NCAC 05 .0203 11:19 NCR 1436
 7 NCAC 05 .0204 10:18 NCR 2398
 7 NCAC 05 .0207 10:18 NCR 2398
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21 NCAC 16B .0303 11:20 NCR 1538
 21 NCAC 161 .0001 11:20 NCR 1538
 21 NCAC 161 .0002 11:20 NCR 1538
 21 NCAC 161 .0003 11:20 NCR 1538
 21 NCAC 161 .0004 11:20 NCR 1538
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21 NCAC 16M .0001 11:20 NCR 1538
 21 NCAC 16R .0001 11:20 NCR 1538
 21 NCAC 16R .0002 11:20 NCR 1538
 21 NCAC 16R .0003 11:20 NCR 1538
 21 NCAC 16R .0004 11:20 NCR 1538
 21 NCAC 16R .0005 11:20 NCR 1538
 21 NCAC 16V .0101 10:16 NCR 2043
 21 NCAC 16V .0102 10:16 NCR 2043

* 11:20 NCR 1556
 * 11:20 NCR 1556

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 Notice Subject Matter

15A Public Notice
 15A Public Notice

11:01 NCR 2
 11:09 NCR 590

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15A NCAC 01K 10:19 NCR 2506
 15A NCAC 01M .0101 11:06 NCR 368
 15A NCAC 01M .0101 11:19 NCR 1439
 15A NCAC 01M .0102 11:06 NCR 368
 15A NCAC 01M .0102 11:19 NCR 1439
 15A NCAC 01M .0201 11:06 NCR 368
 15A NCAC 01M .0201 11:19 NCR 1439
 15A NCAC 01M .0202 11:06 NCR 368
 15A NCAC 01M .0202 11:19 NCR 1439
 15A NCAC 01M .0301 11:06 NCR 368
 15A NCAC 01M .0301 11:19 NCR 1439
 15A NCAC 01M .0302 11:06 NCR 368
 15A NCAC 01M .0302 11:19 NCR 1439
 15A NCAC 01M .0303 11:06 NCR 368
 15A NCAC 01M .0303 11:19 NCR 1439
 15A NCAC 01M .0304 11:06 NCR 368
 15A NCAC 01M .0304 11:19 NCR 1439

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15A NCAC 01M .0305		11:06 NCR 368								
15A NCAC 01M .0305		11:19 NCR 1439								
15A NCAC 01M .0306		11:06 NCR 368								
15A NCAC 01M .0306		11:19 NCR 1439								
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15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0104	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96				11:09 NCR 575
15A NCAC 07H .0106	10:16 NCR 1921		11:04 NCR 190	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 07H .0106	11:19 NCR 1408				Approve	09/19/96	*			Notice Subject Matter
15A NCAC 07H .0201	11:22 NCR 1704									
15A NCAC 07H .0202	11:22 NCR 1704									
15A NCAC 07H .0203	11:22 NCR 1704									
15A NCAC 07H .0204	11:22 NCR 1704									
15A NCAC 07H .0205	11:22 NCR 1704									
15A NCAC 07H .0206	11:22 NCR 1704									
15A NCAC 07H .0207	11:22 NCR 1704									
15A NCAC 07H .0208	11:22 NCR 1704									
15A NCAC 07H .0208	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0208	11:19 NCR 1408									
15A NCAC 07H .0304	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96	*			11:09 NCR 575
15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226			Approve	12/19/96				11:20 NCR 1569
15A NCAC 07H .0305	11:15 NCR 1200	11:15 NCR 1226								
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1204	11:04 NCR 183		11:11 NCR 907	*						

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15A NCAC 07H .1205	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1304	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1404	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1504	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1600	11:15 NCR 1200									
15A NCAC 07H .1704	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1804	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1904	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .2004	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .2104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07I .0102	10:24 NCR 3045		11:04 NCR 190	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 07K .0203	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0401	10:18 NCR 2317		11:11 NCR 907	*	Approve	01/16/97	*			
15A NCAC 07M .0402	10:18 NCR 2317		11:11 NCR 907	*	Approve	01/16/97	*			
15A NCAC 07M .0403	10:18 NCR 2317		11:11 NCR 907	*	Object	01/16/97	*			
					Approve	02/20/97	*			
15A NCAC 07M .1200	11:19 NCR 1408								11:24 NCR 1832	

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15A NCAC 02 10:24 NCR 3045

15A NCAC 02 11:04 NCR 183

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15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0101	11:24 NCR 1818									
15A NCAC 02B .0202	11:24 NCR 1818									
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0229	11:03 NCR 109		11:09 NCR 572	*	Object	11/21/96			11:20 NCR 1569	
15A NCAC 02B .0229	11:24 NCR 1818				Approve	12/19/96	*			
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/S/E						
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0237			11:12 NCR 973	*	Approve	12/19/96			11:21 NCR 1682	
15A NCAC 02B .0303	10:18 NCR 2400									
15A NCAC 02B .0304	11:24 NCR 1818									
15A NCAC 02B .0305	11:20 NCR 1534									
15A NCAC 02B .0308	11:20 NCR 1534									
15A NCAC 02B .0313	11:24 NCR 1818									
15A NCAC 02B .0315	11:02 NCR 75		11:09 NCR 572	L	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02B .0315	11:24 NCR 1818									
15A NCAC 02B .0316	11:20 NCR 1534									

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15A NCAC 02C .0211					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0213					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0214					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02D .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		11:16 NCR 1271	*						
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	

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15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0946	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1110	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .1111	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE						

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15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE						
15A NCAC 02D .1402	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .1403	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .1500	11:19 NCR 1408									
15A NCAC 02D .1902	11:19 NCR 1408									
15A NCAC 02D .1903	11:19 NCR 1408									
15A NCAC 02D .2200	11:15 NCR 1200									
15A NCAC 02H .0225	11:15 NCR 1200	11:15 NCR 1225	11:20 NCR 1550	*						
15A NCAC 02H .0610	11:08 NCR 442									
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									
15A NCAC 02L	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508	11:21 NCR 1639	*						
15A NCAC 02L .0115	11:15 NCR 1200 11:15 NCR 1204		11:21 NCR 1639	L						
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200		11:21 NCR 1639	*						
15A NCAC 02N .0707	11:15 NCR 1204		11:21 NCR 1639	*						
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*						
15A NCAC 02Q .0102			11:06 NCR 350	*						

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15A NCAC 02Q .0102	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0104	10:24 NCR 2400		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02Q .0107	10:18 NCR 2400		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02Q .0207	11:19 NCR 1408									
15A NCAC 02Q .0312	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0507	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02Q .0512	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02Q .0514	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02Q .0515	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02Q .0517	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0700	11:08 NCR 442									
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NPDES Permits										
Health Services, Commission for										
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*						11:06 NCR 317
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*						11:07 NCR 406
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13C .0301	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	

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15A NCAC 13C .0302	10:18 NCR 2317		11:06 NCR 357	*	Object	09/19/96				
					Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 13C .0303	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0304	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 13C .0305	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0306	10:18 NCR 2317		11:06 NCR 357	*	Object	09/19/96				
					Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 13C .0307	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0308	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 18A	11:04 NCR 183			*	Approve	09/19/96	*			
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0134					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0136	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0137	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0159	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0168					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0169	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A .0173	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A .0174	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0175	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0182					Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
					Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0184	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:20 NCR 1569	
					Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0186	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
					Object	12/19/96			11:22 NCR 1717	
					Approve	01/16/97			11:20 NCR 1569	

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15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*			
15A NCAC 18A .0301					Object	12/19/96				
15A NCAC 18A .0302	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 18A .0401	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0424	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0425	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:20 NCR 1569	
15A NCAC 18A .0614					Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0615	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0616	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0617	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:20 NCR 1569	
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A .0618					Object	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0620	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	
15A NCAC 18A .1302	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .1319					Object	12/19/96	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .1805	11:04 NCR 183		11:09 NCR 576	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .1814					Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .1937	11:19 NCR 1408	11:20 NCR 1561			Approve	04/18/96			11:04 NCR 209	

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15A NCAC 18A.1938	11:19 NCR 1408	11:20 NCR 1561								
15A NCAC 18A.1958	11:19 NCR 1408	11:20 NCR 1561								
15A NCAC 18A.1961	11:19 NCR 1408	11:20 NCR 1561								
15A NCAC 18A.2601		11:01 NCR 24	11:05 NCR 273	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 18A.2701					Approve	06/20/96	*		11:08 NCR 536	
15A NCAC 19A.0203	11:21 NCR 1638				Approve	04/18/96			11:04 NCR 209	
15A NCAC 20D.0243										
15A NCAC 21H.0111		11:06 NCR 371								
15A NCAC 21H.0113		11:06 NCR 371								
15A NCAC 21I.0101		11:07 NCR 422	11:20 NCR 1552							
15A NCAC 21J.0101		11:07 NCR 422	11:20 NCR 1552							
15A NCAC 24A.0202		11:24 NCR 1827								
15A NCAC 26C.0001	11:19 NCR 1408									
15A NCAC 26C.0002	11:19 NCR 1408									
15A NCAC 26C.0003	11:19 NCR 1408									
15A NCAC 26C.0004	11:19 NCR 1408									
15A NCAC 26C.0005	11:19 NCR 1408									
15A NCAC 26C.0006	11:19 NCR 1408									
15A NCAC 26C.0007	11:19 NCR 1408									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03I.0101	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03I.0105	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03I.0019			10:21 NCR 2737	*	Approve	05/16/96	*			
15A NCAC 03J.0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03J.0401			10:21 NCR 2688	*	Approve	05/16/96	*			
15A NCAC 03L.0102	11:07 NCR 407		11:11 NCR 888	*						

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					Action	Date				
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*						
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 03M .0503		11:18 NCR 1383								
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		11:20 NCR 1569	
		11:14 NCR 1153		*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 03M .0506	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03M .0506		11:18 NCR 1383								
15A NCAC 03M .0507		11:11 NCR 938		*						
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 03M .0514		11:18 NCR 1383								
15A NCAC 03R .0106	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 03R .0107	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			11:20 NCR 1569	
Parks and Recreation										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*	Object	11/21/96	*		11:20 NCR 1569	
Soil and Water Conservation										
15A NCAC 06E .0102	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 06E .0102		11:12 NCR 1004								
15A NCAC 06E .0103	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 06E .0105		11:12 NCR 1004								
Water Pollution Control System Operators Certification Commission										
15A NCAC 08F .0101		11:19 NCR 1442								
15A NCAC 08F .0102		11:19 NCR 1442								
15A NCAC 08F .0201		11:19 NCR 1442								
15A NCAC 08F .0202		11:19 NCR 1442								
15A NCAC 08F .0203		11:19 NCR 1442								
15A NCAC 08F .0301		11:19 NCR 1442								

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					Action	Date				
15A NCAC 08F .0401		11:19 NCR 1442								
15A NCAC 08F .0402		11:19 NCR 1442								
15A NCAC 08F .0403		11:19 NCR 1442								
15A NCAC 08F .0404		11:19 NCR 1442								
15A NCAC 08F .0405		11:19 NCR 1442								
15A NCAC 08F .0406		11:19 NCR 1442								
15A NCAC 08F .0407		11:19 NCR 1442								
15A NCAC 08F .0501		11:19 NCR 1442								
15A NCAC 08F .0502		11:19 NCR 1442								
15A NCAC 08F .0503		11:19 NCR 1442								
15A NCAC 08F .0504		11:19 NCR 1442								
15A NCAC 08F .0505		11:19 NCR 1442								
15A NCAC 08F .0506		11:19 NCR 1442								
Wildlife Resources Commission										
15A NCAC 10B .0106	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10B .0113	11:07 NCR 408		11:12 NCR 983	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 10B .0115	11:07 NCR 408		11:12 NCR 984	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 10B .0115	11:11 NCR 882									
15A NCAC 10B .0116	11:12 NCR 959		11:18 NCR 1372	*						
15A NCAC 10B .0123	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10B .0203	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0209	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 10C .0107	11:02 NCR 76									
15A NCAC 10C .0205	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 10C .0305	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408									

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					Action	Date				
15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10D .0003	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 10F .0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A NCAC 10F .0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A NCAC 10F .0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0300	11:01 NCR 13		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*						
15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*						
15A NCAC 10F .0308	11:21 NCR 1638									
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*						
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0339	11:21 NCR 1638									
15A NCAC 10F .0342	10:19 NCR 2506		11:01 NCR 14	*	Withdrawn/Agcy	07/18/96				
15A NCAC 10F .0348	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									
15A NCAC 10G .0102	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	

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15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 101 .0001	10:22 NCR 2829		11:04 NCR 191	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 101 .0002	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		11:16 NCR 1291	
Wildlife Proclamation										11:03 NCR 104
Wildlife Proclamation										11:04 NCR 182
Wildlife Proclamation										11:23 NCR 1778
FINAL DECISION LETTERS										
Voting Rights Act										11:01 NCR 1
Voting Rights Act										11:04 NCR 181
Voting Rights Act										11:06 NCR 315
Voting Rights Act										11:07 NCR 405
Voting Rights Act										11:13 NCR 1038
Voting Rights Act										11:16 NCR 1263
Voting Rights Act										11:18 NCR 1367
Voting Rights Act										11:20 NCR 1533
Voting Rights Act										11:24 NCR 1814
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21 NCAC 12 .0202										

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21 NCAC 12.0204	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 583	*	Approve	10/17/96			11:16 NCR 1291	
21 NCAC 12.0503	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 584	*	Approve	10/17/96	*		11:16 NCR 1291	

GOVERNOR'S EXECUTIVE ORDERS

Number 95 - Eff. 04/24/96										11:05 NCR 270
Number 96 - Eff. 06/14/96										11:08 NCR 441
Number 97 - Eff. 07/12/96										11:10 NCR 817
Number 98 - Eff. 08/09/96										11:11 NCR 880
Number 99 - Eff. 09/05/96										11:14 NCR 1101
Number 100 - Eff. 09/12/96										11:14 NCR 1101
Number 101 - Eff. 09/12/96										11:14 NCR 1101
Number 102 - Eff. 10/02/96										11:15 NCR 1197
Number 103 - Eff. 10/10/96										11:15 NCR 1197
Number 104 - Eff. 10/10/96										11:15 NCR 1197
Number 105 - Eff. 12/02/96										11:19 NCR 1406
Number 106 - Eff. 12/11/96										11:21 NCR 1631

HOUSING FINANCE AGENCY

24 NCAC 01P .0101		11:14 NCR 1154								
24 NCAC 01P .0102		11:14 NCR 1154								
24 NCAC 01P .0103		11:14 NCR 1154								
24 NCAC 01P .0201		11:14 NCR 1154								
24 NCAC 01P .0202		11:14 NCR 1154								
24 NCAC 01P .0203		11:14 NCR 1154								

HUMAN RESOURCES

10 NCAC 41P .0013	11:06 NCR 323	11:08 NCR 528	11:12 NCR 966	L	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 01B	11:23 NCR 1779									

Aging

10 NCAC 22	10:23 NCR 2956									
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Child Day Care Commission

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10 NCAC 03U .0102		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .0302	11:24 NCR 1817									
10 NCAC 03U .0506	11:24 NCR 1817									
10 NCAC 03U .0509	11:24 NCR 1817									
10 NCAC 03U .0601	11:24 NCR 1817									
10 NCAC 03U .0602	11:24 NCR 1817									
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*						
10 NCAC 03U .0604	11:24 NCR 1817									
10 NCAC 03U .0700	11:08 NCR 449									
10 NCAC 03U .0704	10:19 NCR 2506		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .0705	11:14 NCR 1108									
10 NCAC 03U .0705	11:24 NCR 1817									
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*						
10 NCAC 03U .0710	10:22 NCR 2829		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									
10 NCAC 03U .0803	11:24 NCR 1817									
10 NCAC 03U .0901	11:08 NCR 449									
10 NCAC 03U .1402	11:24 NCR 1817		11:17 NCR 1338	*						
10 NCAC 03U .1403	11:24 NCR 1817									
10 NCAC 03U .1717	11:14 NCR 1108									
10 NCAC 03U .1717	11:24 NCR 1817									
10 NCAC 03U .2510	11:08 NCR 449									
10 NCAC 03U .2603	11:24 NCR 1817									
10 NCAC 03U .2606	11:08 NCR 449									
10 NCAC 03U .2610	11:24 NCR 1817									

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10 NCAC 03U .2611	11:24 NCR 1817									
10 NCAC 03U .2701		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .2702		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .2703		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .2704		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
Facility Services										
10 NCAC 03	10:18 NCR 2399									
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3002		11:21 NCR 1655								
10 NCAC 03R .3010		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96			11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3020		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object Object	10/17/96 11/21/96	*			11:11 NCR 888
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	10/17/96	*		11:16 NCR 1291	11:11 NCR 888
10 NCAC 03R .3032		10:21 NCR 2699	11:08 NCR 452	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888

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10 NCAC 03R .3040	10:23 NCR 2956		11:11 NCR 888		Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 03R .3050		10:21 NCR 2699	11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:08 NCR 452	S/L/SE	Object	10/17/96				11:11 NCR 888
10 NCAC 03R .3051		11:21 NCR 1655	11:06 NCR 328	S/L/SE	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 03R .3052		11:21 NCR 1655								
10 NCAC 03R .3053		11:21 NCR 1655								
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3054		11:21 NCR 1655								
10 NCAC 03R .3055		11:21 NCR 1655								
10 NCAC 03R .3056		11:21 NCR 1655								
10 NCAC 03R .3057		11:21 NCR 1655								
10 NCAC 03R .3058		11:21 NCR 1655								
10 NCAC 03R .3059		11:21 NCR 1655								
10 NCAC 03R .3060		11:21 NCR 1655								
10 NCAC 03R .3061		11:21 NCR 1655								
10 NCAC 03R .3062		11:21 NCR 1655								
10 NCAC 03R .3063		11:21 NCR 1655								
10 NCAC 03R .3064		11:21 NCR 1655								
10 NCAC 03R .3065		11:21 NCR 1655								
10 NCAC 03R .3066		11:21 NCR 1655								
10 NCAC 03R .3067		11:21 NCR 1655								
10 NCAC 03R .3068		11:21 NCR 1655								
10 NCAC 03R .3069		11:21 NCR 1655								
10 NCAC 03R .3070		11:21 NCR 1655								
10 NCAC 03R .3071		11:21 NCR 1655								
10 NCAC 03R .3072		11:21 NCR 1655								
10 NCAC 03R .3073		11:21 NCR 1655								

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10 NCAC 03R .3074		11:21 NCR 1655								
10 NCAC 03R .3075		11:21 NCR 1655								
10 NCAC 03R .3076		11:21 NCR 1655								
10 NCAC 03R .3077		11:21 NCR 1655								
10 NCAC 03R .3078		11:21 NCR 1655								
10 NCAC 03R .3079		11:21 NCR 1655								
10 NCAC 03R .3080		11:21 NCR 1655								
10 NCAC 03R .3081		11:21 NCR 1655								
10 NCAC 03R .3082		11:21 NCR 1655								
10 NCAC 03R .3083		11:21 NCR 1655								
10 NCAC 03R .3084		11:21 NCR 1655								
10 NCAC 03R .3085		11:21 NCR 1655								
10 NCAC 03R .3086		11:21 NCR 1655								
10 NCAC 03R .3087		11:21 NCR 1655								
10 NCAC 03R .3088		11:21 NCR 1655								
10 NCAC 03R .6001	11:22 NCR 1704									
Medical Assistance										
Disproportionate Share List										
10 NCAC 26B .0105	10:18 NCR 2398		10:22 NCR 2831	*	Approve	04/18/96	*		11:04 NCR 207	11:03 NCR 101
10 NCAC 26B .0123		11:19 NCR 1436	11:24 NCR 1824	*						
10 NCAC 26G .0707	11:08 NCR 450	11:15 NCR 1205	11:18 NCR 1371	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0104	11:16 NCR 1268		11:23 NCR 1781	S/L						
10 NCAC 26H .0212		11:15 NCR 1205								
10 NCAC 26H .0213		11:15 NCR 1205								
10 NCAC 26H .0213	11:18 NCR 1368									
10 NCAC 26H .0506		11:02 NCR 77	Temp. Expired							

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10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 26H .0506		11:19 NCR 1438								
10 NCAC 26H .0602	11:09 NCR 569	11:13 NCR 1062		S/L	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 50B .0202		11:10 NCR 841								
10 NCAC 50B .0404		11:10 NCR 841								
10 NCAC 50B .0409		11:10 NCR 841								
10 NCAC 50D										11:06 NCR 316
10 NCAC 50D .0101	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0102	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0103	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0201	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0301	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0302	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0401	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0402	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196								
Medical Care Commission										
10 NCAC 03B	11:16 NCR 1268									
10 NCAC 03B .1001		11:20 NCR 1560								
10 NCAC 03B .1002		11:20 NCR 1560								
10 NCAC 03C .3707	11:20 NCR 1534									
10 NCAC 03C .6208					Approve	04/18/96			11:04 NCR 206	
10 NCAC 03D .0800	11:23 NCR 1779									
10 NCAC 03D .0900	11:23 NCR 1779									
10 NCAC 03D .1000	11:23 NCR 1779									
10 NCAC 03D .1100	11:23 NCR 1779									

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10 NCAC 03D .1200	11:23 NCR 1779									
10 NCAC 03D .1300	11:23 NCR 1779									
10 NCAC 03D .1400	11:23 NCR 1779									
10 NCAC 03D .1500	11:23 NCR 1779									
10 NCAC 03M	11:23 NCR 1779									
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 14V .5602	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124	*	Object	01/16/97	*			
				S	Approve	02/20/97	*			
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97				
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
				S	Approve	02/20/97	*			
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
				S	Object	01/16/97	*			
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
				S	Object	01/16/97	*			
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Approve	02/20/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
				S	Approve	01/16/97	*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			

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10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Approve Object	02/20/97 01/16/97	*			
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S	Approve Approve	02/20/97 01/16/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S	Object Approve	01/16/97 02/20/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 45H .0200	11:08 NCR 449									
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288								
10 NCAC 35E .0105		11:16 NCR 1288								
10 NCAC 35E .0106		11:16 NCR 1288								
10 NCAC 35E .0308		11:16 NCR 1288								
10 NCAC 41F	10:23 NCR 2956									
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	L	Approve	07/18/96	*		11:15 NCR 1229	
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96				
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Object Approve	07/18/96 09/19/96	*		11:15 NCR 1229 11:15 NCR 1229	
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96				
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object Approve	07/18/96 09/19/96	*		11:15 NCR 1229	
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object Approve	07/18/96 09/19/96	*		11:15 NCR 1229	
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41P .0102	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Object	11/21/96	*		11:20 NCR 1569	Notice Not Required
10 NCAC 41P .0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve Approve Object Approve	12/19/96 12/19/96 11/21/96 12/19/96	*		11:20 NCR 1569 11:20 NCR 1569 11:20 NCR 1569 11:20 NCR 1569	Notice Not Required
10 NCAC 41P .0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*		11:20 NCR 1569	Notice Not Required
10 NCAC 41P .0106	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*		11:20 NCR 1569 11:19 NCR 1449	Notice Not Required

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10 NCAC 41P .0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 41P .0108					Approve	10/17/96			11:16 NCR 1291	Notice Not Required
10 NCAC 41P .0109	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 41P .0110	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 41P .0111	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 41P .0112	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 42A .0701		10:21 NCR 2728	11:10 NCR 823	S/L/SE	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42A .0702		10:21 NCR 2728	11:10 NCR 823	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 42A .0703		10:21 NCR 2728	11:10 NCR 823	*	Object	11/21/96				
10 NCAC 42B .1209		10:21 NCR 2729	11:12 NCR 967		Approve	12/19/96			11:20 NCR 1569	
10 NCAC 42B .1210		10:21 NCR 2729	11:12 NCR 967		Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42B .1211		10:21 NCR 2729	11:12 NCR 967	S/L	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 42B .2402		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 42B .2403		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42B .2404		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42B .2405		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42C .2010		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42C .2011		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*		11:20 NCR 1569	
10 NCAC 42C .2012		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 42C .3701		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*		11:20 NCR 1569	
10 NCAC 42C .3702		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			11:19 NCR 1449	
10 NCAC 42C .3703		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*		11:20 NCR 1569	
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*		11:20 NCR 1569	

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10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 42J .0001		11:16 NCR 1288								
10 NCAC 42J .0004		11:16 NCR 1288								
10 NCAC 42J .0005		11:16 NCR 1288								
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		11:10 NCR 843	
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		11:10 NCR 843	
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		11:10 NCR 843	
10 NCAC 49A .0102		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 49B .0202		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 49B .0310		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		11:19 NCR 1449	
10 NCAC 49B .0502		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96			11:19 NCR 1449	
10 NCAC 49C .0107		10:18 NCR 2402	Temp. Expired	*	Approve	11/21/96			11:19 NCR 1449	
Vocational Rehabilitation Services										
10 NCAC 20B .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0205	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0206	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0208	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0209	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0210	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0214	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0218	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0222	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
10 NCAC 20B .0224	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0226	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20B .0227	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	

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					Action	Date				
10 NCAC 20C .0603	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20D .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
INSURANCE										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1002		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1003		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1004		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1005		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1006		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1007		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1008		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1009		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1010		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1011		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1101		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1102		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1103		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1104		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1105		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1106		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1107		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1108		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1109		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1110		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1111		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1112		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1113		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1114		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection

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					Action	Date				
11 NCAC 08 .1115		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1116		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1201		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1202		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1203		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1204		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1205		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1206		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1207		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1208		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1209		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831	*	Approve	05/16/96	*		11:05 NCR 283	
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*	Approve	05/16/96			11:05 NCR 284	
JUSTICE										
Attorney General/Company Police										
12 NCAC 021 .0101										
12 NCAC 021 .0206										
12 NCAC 021 .0210										
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*						

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					Action	Date				
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*						
Private Protective Services Board										
12 NCAC 07D	11:10 NCR 818									
12 NCAC 07D	11:16 NCR 1268									
12 NCAC 07D .0100	11:16 NCR 1268									
12 NCAC 07D .0104	11:16 NCR 1268									
12 NCAC 07D .0201	11:10 NCR 818									
12 NCAC 07D .0204	11:14 NCR 1108									
12 NCAC 07D .0504	11:10 NCR 818									
12 NCAC 07D .0701	11:10 NCR 818									
12 NCAC 07D .0801	11:10 NCR 818									
12 NCAC 07D .0902	11:10 NCR 818									
12 NCAC 07D .1106	11:14 NCR 1108									
State Bureau of Investigation/Division of Criminal Information										
12 NCAC 04E .0103	11:11 NCR 881		11:17 NCR 1339	*						

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					Action	Date				
12 NCAC 04E .0104	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0401	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0404	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*						
LABOR										
Permanent Variance Filing										
Occupational Safety and Health										
Verbatim Adoption Federal Standards										
13 NCAC 07F .0101										11:22 NCR 1703
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									11:24 NCR 1813
13 NCAC 07F .0101		11:03 NCR 119	Temp. Expired							
13 NCAC 07F .0101	11:24 NCR 1817									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0201	11:24 NCR 1817									
13 NCAC 07F .0301	11:03 NCR 106									
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32F .0003		11:18 NCR 1386								
21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*			
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	

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					Action	Date				
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			11:04 NCR 221	
21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0702	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32O	11:18 NCR 1369			*	Approve	04/18/96	*		11:04 NCR 221	
NURSING, BOARD OF										
21 NCAC 36 .0109	11:24 NCR 1821									
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*						
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940	11:18 NCR 1372	*						
21 NCAC 37G .0102		11:11 NCR 940	11:18 NCR 1372	*						

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OPTOMETRY, BOARD OF										
21 NCAC 42B .0107	11:18 NCR 1369									
PSYCHOLOGY BOARD										
21 NCAC 54 .1802			11:18 NCR 1373	*						
21 NCAC 54 .1803			11:18 NCR 1373	*						
21 NCAC 54 .2001			11:18 NCR 1373	*						
21 NCAC 54 .2002			11:18 NCR 1373	*						
21 NCAC 54 .2003			11:18 NCR 1373	*						
21 NCAC 54 .2004			11:18 NCR 1373	*						
21 NCAC 54 .2005			11:18 NCR 1373	*						
21 NCAC 54 .2007			11:18 NCR 1373	*						
21 NCAC 54 .2008			11:18 NCR 1373	*						
21 NCAC 54 .2009			11:18 NCR 1373	*						
21 NCAC 54 .2704					Approve	04/18/96			11:04 NCR 236	
21 NCAC 54 .2706					Approve	04/18/96			11:04 NCR 236	
PUBLIC EDUCATION										
16 NCAC 01A .0001					Approve	05/16/96			11:05 NCR 286	
16 NCAC 01A .0003					Approve	05/16/96			11:05 NCR 283	
Standards Board for Public School Administration										
16 NCAC 07 .0101	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96	*		11:20 NCR 1569	
16 NCAC 07 .0102	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*		11:20 NCR 1569	
16 NCAC 07 .0103	10:23 NCR 2957		11:09 NCR 576	*	Object	12/19/96	*		11:20 NCR 1569	
16 NCAC 07 .0104	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*		11:20 NCR 1569	
16 NCAC 07 .0105	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0106	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0107	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0108	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				

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16 NCAC 07 .0109	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0110	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0111	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0112	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
REAL ESTATE COMMISSION										
21 NCAC 58A .0101	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0104	11:07 NCR 408		11:11 NCR 935	*	Approve	12/19/96	*		11:20 NCR 1569	
21 NCAC 58A .0105	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 1717	
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:20 NCR 1569	
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*		11:22 NCR 1717	
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*	Approve	01/16/97	*		11:22 NCR 1717	
REFRIGERATION EXAMINERS										
21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96			11:19 NCR 1449	
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96	*		11:19 NCR 1449	
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*	Object	11/21/96	*		11:20 NCR 1569	
REVENUE										
17 NCAC 01C .0504	10:20 NCR 2599			*	Object	08/15/96				
17 NCAC 01C .0506	10:20 NCR 2599			*	Approve	09/19/96			11:14 NCR 1156	
17 NCAC 01C .0506			11:10 NCR 838	*	Approve	08/15/96				
17 NCAC 05C .0102			11:03 NCR 113	*	Approve	01/16/97	*		11:22 NCR 1717	
			11:09 NCR 582	*	Object	11/21/96				
				*	Rule Returned	01/16/97				

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17 NCAC 05C .2101			10:24 NCR 3059	*	Approve	05/16/96	*		11:05 NCR 284	
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*		11:04 NCR 211	
17 NCAC 07B .0118			11:12 NCR 998	*	Approve	11/21/96			11:19 NCR 1449	
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1802			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .3103			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .3106			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4202			11:12 NCR 998	*	Approve	11/21/96			11:19 NCR 1449	
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	

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SOCIAL WORK, BOARD OF

SOIL SCIENTISTS, BOARD FOR LICENSING

21 NCAC 69.0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200
21 NCAC 69.0102	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523
21 NCAC 69.0103	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523
21 NCAC 69.0104	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200
21 NCAC 69.0201	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523
21 NCAC 69.0202	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200
21 NCAC 69.0301	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523
21 NCAC 69.0302	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200
21 NCAC 69.0303	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523
21 NCAC 69.0304	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200
21 NCAC 69.0305	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523
21 NCAC 69.0306	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200
			11:08 NCR 523

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96				
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96			11:16 NCR 1291	
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		11:16 NCR 1291	
			11:04 NCR 200	*	Approve	09/19/96	*		11:14 NCR 1156	
			11:08 NCR 523	*						

SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303 11:23 NCR 1780

STATE PERSONNEL COMMISSION

25 NCAC 01D .2501	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2503	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2504	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2505	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2507	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2508	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2509	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2511	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2513	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2514	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01D .2516	11:13 NCR 1062	11:19 NCR 1429	*							
25 NCAC 01E .0705	11:14 NCR 1110	11:19 NCR 1434	*							
25 NCAC 01E .0707	11:14 NCR 1110	11:19 NCR 1434	*							
25 NCAC 01E .0709	11:14 NCR 1110	11:19 NCR 1434	*							
25 NCAC 01J .0613	10:23 NCR 2960	Temp. Expired								
25 NCAC 01J .0613					Approve	03/21/96			11:01 NCR 26	

SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

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Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	

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					Action	Date				
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			11:04 NCR 238	
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
TRANSPORTATION										
19A NCAC 06B .0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0407	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0408	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0409	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0410	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0411	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0412	10:23 NCR 2957		11:05 NCR 279	S	Object	08/15/96				
					Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 06B .0413	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0414	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0415	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0416	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0417	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
Highways, Division of										
19A NCAC 02B .0164	11:20 NCR 1537									
19A NCAC 02D .0415	11:20 NCR 1537									
19A NCAC 02D .0425										
19A NCAC 02D .1101	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			11:12 NCR 1006	
					Approve	08/15/96				

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					Action	Date				
19A NCAC 02D .1102	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
19A NCAC 02D .1103	10:23 NCR 2957		11:05 NCR 274	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 02D .1104	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1105	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1106	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1107	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1108	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
19A NCAC 02D .1109	10:23 NCR 2957		11:05 NCR 274	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 02D .1110	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1111	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
Motor Vehicles, Division of										
19A NCAC 03E .0403										
19A NCAC 03E .0501	11:01 NCR 13		11:07 NCR 416	*	Object	12/19/96			11:22 NCR 1717	Notice Not Required
19A NCAC 03E .0502	11:01 NCR 13		11:07 NCR 416	*	Approve	01/16/97	*		11:14 NCR 1156	
19A NCAC 03E .0510	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0511	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0512	11:01 NCR 13		11:07 NCR 416	*	Approve	10/17/96	*		11:16 NCR 1291	
19A NCAC 03E .0513	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0514	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0515	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0518	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0519	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0522	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 031 .0100	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	

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					Action	Date				
19A NCAC 031.0200	11:19 NCR 1413									
19A NCAC 031.0300	11:19 NCR 1413									
19A NCAC 031.0400	11:19 NCR 1413									
19A NCAC 031.0500	11:19 NCR 1413									
19A NCAC 031.0600	11:19 NCR 1413									
19A NCAC 031.0700	11:19 NCR 1413									
19A NCAC 031.0800	11:19 NCR 1413									
19A NCAC 03J.0102	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	
19A NCAC 03J.0306	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97				
19A NCAC 03J.0307	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97				
19A NCAC 03J.0308	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97				
19A NCAC 03J.0601	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	

BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1997

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Title 1 - Dept. of Administration - Complete Title	201 00 001	\$90.00
Division of Purchase & Contract	201 10 051	\$30.00
Federal Block Grant Funds	201 10 331	\$25.00
Title 2 - Dept. of Agriculture - Complete Title	202 00 001	\$140.00
Food & Drug Protection Division	202 15 091	\$35.00
Structural Pest Control Committee	202 15 341	\$30.00
Agricultural Markets	202 15 431	\$30.00
Plant Industry	202 15 481	\$30.00
Animal Industry	202 15 521	\$30.00
Title 3 - Dept. of State Auditor - Complete Title	203 00 001	\$25.00
Title 4 - Dept. of Commerce - Complete Title	204 00 001	\$125.00
Alcoholic Beverage Control Commission	204 15 021	\$45.00
Banking Commission	204 15 031	\$45.00
Credit Union Division	204 15 061	\$25.00
Savings & Loan Division	204 15 091	\$25.00
Industrial Commission/Workers Compensation	204 15 101	\$30.00
Savings Institutions Division	204 15 161	\$35.00
Title 5 - Dept. of Corrections - Complete Title	205 00 001	\$70.00
Division of Prisons	205 15 021	\$35.00
Title 6 - Council of State - Complete Title	206 00 001	\$30.00
Title 7 - Dept. of Cultural Resources - Complete Title	207 00 001	\$60.00
Title 8 - State Board of Elections - Complete Title	208 00 001	\$30.00
Title 9 - Offices of the Governor & Lt. Governor - Complete Title	209 00 001	\$45.00
Title 10 - Dept. of Human Resources - Complete Title	210 00 001	\$470.00
Licensing of Health Facilities	210 20 101	\$95.00
Detention Facilities	210 20 201	\$40.00
Mental Health & Rehabilitation Services	210 20 301	\$110.00
Social Services	210 20 401	\$185.00
Children Services/Day Care	210 20 411	\$55.00
Services for the Aging	210 20 421	\$45.00
Services for the Blind	210 20 431	\$40.00
Services for the Deaf & Hard of Hearing	210 20 441	\$25.00
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Title 11 - Dept. of Insurance - Complete Title	211 00 001	\$90.00
Insurance	211 10 011	\$80.00
Consumer Services	211 10 041	\$30.00
Fire & Rescue Services	211 10 051	\$25.00
Agent Services	211 10 061	\$35.00
Engineering & Building Codes	211 10 081	\$30.00
Title 12 - Dept. of Justice - Complete Title	212 00 001	\$90.00
Private Protective Services	212 10 071	\$30.00
Police & Sheriff's Education & Training Standards	212 10 091	\$40.00
NC Alarm Systems Licensing Board	212 10 111	\$30.00
Title 13 - Dept. of Labor - Complete Title	213 00 001	\$110.00
Mine & Quarry Safety	213 15 061	\$25.00
General Safety/OSHA	213 20 001	\$70.00
Wage & Hour Rules	213 15 121	\$25.00
Boiler & Pressure Vessel Safety	213 15 131	\$25.00
Apprenticeship & Training	213 15 141	\$25.00
Elevator & Amusement Device Safety	213 15 151	\$25.00
Title 14A - Dept. of Crime Control & Public Safety - Complete Title	214 00 001	\$45.00
Alcohol Law Enforcement	214 00 081	\$25.00
Victims Compensation Fund	214 00 111	\$25.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Complete Title	215 00 001	\$395.00
Environmental Management	215 15 001	\$165.00
Air Quality	215 15 101	\$90.00
Water Quality	215 15 201	\$85.00
Land & Waste Management	215 15 301	\$85.00
Solid Waste Management	215 15 311	\$50.00

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Underground Storage Tanks	215 15 321	\$30.00
Coastal Management, Fishing & Boating	215 15 401	\$53.00
Environmental Health	215 25 001	\$150.00
Radiation/Nuclear Waste	215 25 101	\$65.00
Sanitation	215 25 201	\$60.00
Public Health	215 25 301	\$85.00
Intoxilizer & Breathalyzer	215 25 311	\$25.00
Title 16 - Dept. of Public Instruction - Complete Title	216 00 001	\$60.00
Elementary & Secondary Education	216 10 061	\$30.00
Title 17 - Department of Revenue - Complete Title	217 00 001	\$130.00
Taxes on Individuals	217 15 101	\$40.00
Taxes on Business	217 15 201	\$70.00
Sales & Use Tax Division	217 15 271	\$45.00
Motor Fuels Tax Division	217 15 291	\$30.00
Title 18 - Secretary of State - Complete Title	218 00 001	\$60.00
Securities Division	218 10 060	\$35.00
Title 19A - Dept. of Transportation - Complete Title	219 00 001	\$90.00
Division of Highways	219 10 021	\$45.00
Division of Motor Vehicles	219 10 031	\$45.00
Title 20 - Dept. of the State Treasurer - Complete Title	220 00 001	\$45.00
Title 21 - Occupational Licensing Boards - Complete Title	221 00 001	\$230.00
Title 22 - Administrative Procedures - Repealed	n/a	
Title 23 - Community Colleges - Complete Title	223 00 001	\$45.00
Title 24 - Independent Agencies - Complete Title	224 00 001	\$40.00
Title 25 - Office of State Personnel - Complete Title	225 00 001	\$80.00
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